

ACTS

PASSED AT

THE SIXTH ANNUAL SESSION

OF

THE GENERAL ASSEMBLY

OF

THE STATE OF ALABAMA;

BEGUN AND HELD IN THE

TOWN OF CAHAWBA,

ON THE THIRD MONDAY IN NOVEMBER, ONE THOUSAND
EIGHT HUNDRED AND TWENTY-FOUR.

ISRAEL PICKENS.....GOVERNOR.

NICHOLAS DAVIS,
PRESIDENT OF THE SENATE, AND

SAMUEL WALKER,
SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CAHAWBA:

PRINTED BY WILLIAM B. ALLEN, PRINTER TO THE STATE,

1925.

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ACTS OF ALABAMA.



1824



AN ACT

To Apportion the Representatives among the several counties of this state, and to divide the state into Senatorial Districts, according to the late Census.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the Representatives in the several counties in this state shall be apportioned at a ratio of twenty hundred and eighty-six white inhabitants to a representative, and shall be apportioned between the several counties in this state in the following manner, to wit: The county of Jackson, *four*; the county of Madison, *five*; the county of Limestone, *four*; the county of Lauderdale, *three*; the county of Morgan, *two*; the county of Lawrence, *three*; Franklin, *two*; Marion and that part of Fayette and Walker taken from Marion, *one*; St. Clair, *two*; Shelby, *one*; Blount, *one*; Jefferson and that part of Walker taken from Jefferson, *three*; Tuscaloosa and that part of Walker and Fayette taken from Tuscaloosa, *four*; Pickens and that part of Fayette taken from Pickens, *one*; Greene, *three*; Marengo, *one*; Perry, *two*; Dallas, *three*; Wilcox, *one*; Autauga, *two*; Montgomery and that part of Pike taken from Montgomery, *three*; Butler, *one*; Henry, Covington and that part of Pike taken from Henry, *two*; Washington, *one*; Monroe, *two*; Conecuh, *two*; Clarke, *one*; Baldwin, *one*; Mobile, *one*; and Bibb, *one*.

Number of Representatives to each county.

Sec. 2. *And be it further enacted,* That the counties of Mobile, Washington and Baldwin shall form one Senatorial district; Pike, Covington and Henry, *one*; Butler and Conecuh, *one*; Monroe and Wilcox, *one*; Clarke and Marengo, *one*; Greene, *one*; Montgomery, *one*; Dallas, *one*; Bibb and Perry, *one*; Shelby and Autauga, *one*; Blount and St. Clair, *one*; Jefferson, *one*; Tuscaloosa, *one*; Pickens, Fayette, Walker and Marion, *one*; Morgan, *one*; Franklin, *one*; Lawrence, *one*; Lauderdale, *one*; Limestone, *one*; Madison, *one*; and Jackson, *one*; each of which districts shall have one Senator and no more.

Senatorial Districts.

Sec. 3. *And be it further enacted,* That it shall be lawful for the assessor of taxes for Mobile county to take the returns of all the heads of families, and others who were actual residents of, but absent from said county, at the time prescribed by law for taking the census, and to make report thereof to the office of Secretary of State, on or before the first day of May next; and if it shall appear by the return of the said assessor, that the number of white inhabitants, actual residents of said county at the time the census was required by law to be taken and returned, would with the

New census in Mobile county.

Sufficient inhabitants will give an additional representative.

fraction from Clarke be equal to the ratio hereby established, the county of the said counties, having the largest residuum, shall be entitled to an additional representative, and the Governor shall thereupon issue his proclamation declaring the fact, and a writ of election shall issue, requiring an election to be held for such additional representative, in the said county having the largest residuum as aforesaid; and the said additional representative when elected and returned, shall be a member of the House of Representatives for the said county, and the said county shall be entitled to an additional representative until the next apportionment.

Additional oath.

Sec. 4. *And be it further enacted*, That it shall be the duty of the assessor of Mobile county, in taking all such returns in addition to the oath now required, also, to administer an oath to all persons thus taken, that they actually resided, and had settled in the county of Mobile prior to the first day of November, 1824, and that they had not been enumerated in any other county in this state.

Returning officers.

Sec. 5. *And be it further enacted*, That the sheriffs of the counties of Washington, Henry, Conecuh, Monroe, Clarke, Perry, Autauga, St. Clair and Fayette, shall be the returning officers for their respective districts; and the sheriffs of other counties of the districts shall make returns to the returning officers within ten days after the Senatorial election, except the sheriffs of the counties of Henry, Covington and Pike, who shall be allowed twenty days.

County boundaries altered.

Sec. 6. *And be it further enacted*, That all that part of Monroe county comprehended within the following limits, viz. beginning where the range line between one and two east of the basis meridian intersects the township line between five and six, thence south until the said range line first strikes the Tombeckbee river below the mouth of Bassett's creek, thence up the said river to the said township line between five and six as aforesaid; thence east along the said township line to the beginning, shall be added to, and hereafter compose a part of Clarke county, so as to make the counties of Clarke and Mobile adjoin the Tombeckbee river.

(Approved, December 20, 1824.)

AN ACT

To prevent the Abatement of Suits at Common Law.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the passage of this act, where there are two or more plaintiffs or defendants to any suit or suits, in any court in this state, and one or more of them die; if the cause of such action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested, upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

(Approved, December 2, 1824.)

AN ACT

The more effectually to ensure the Testimony of Absent Witnesses by Interrogatories.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That where any witness resides out of any county in which his testimony may be required, in any cause pending before the Circuit or County Court of said county, it shall be lawful for either party in such cause, on giving at least ten days notice to the adverse party, or his, her or their attorney or agent, accompanied with a copy of the interrogatories intended to be exhibited, to obtain a commission from the Clerk of the court in which such cause may be pending, directed to any two or more Justices of the Peace, or to one Justice of the Peace and two respectable citizens of the county where such witness may reside, to examine such witness or witnesses on oath on such interrogatories as the parties may exhibit, and such examination shall be read at the trial, on motion of either party.

Mode of taking interrogatories.

Sec. 2. *And be it further enacted,* That when such interrogatories shall have been duly executed, they shall be signed by the witness or witnesses and attested by such commissioners and carefully folded in separate paper, and sealed with three separate seals, and directed to the Clerk of the Court from whence they issued.

How transmitted.

Sec. 3. *And be it further enacted,* That the bearer of such interrogatories shall take the following oath, either in open court or before the clerk in the recess of the court, to wit: I, A. B., do solemnly swear (or affirm, as the case may be,) that I received this packet from the commissioners whose names are thereto superscribed, that it has been in my possession ever since, and it has undergone no alteration.

Oath of bearer.

Sec. 4. *And be it further enacted,* That after the passage of this act, no witness shall be compelled to attend either the Circuit or County Court, except when sitting in the county in which such witness may reside: *Provided, nevertheless,* That in all cases where either plaintiff or defendant shall make affidavit in open court, or before the clerk of said court where any suit or matter of controversy may be pending, to be filed in the office of such clerk, that he, she or they cannot go safely, or with equal safety, to trial without the benefit of the personal attendance of such witness or witnesses: *And provided, further,* That the amount in dispute be not less than two hundred dollars, and the distance to be travelled by such witness or witnesses, be not more than fifty miles; and in case such affidavit be made by the party to whom notice and a copy of the interrogatories have been given by the other party, it shall then be made and filed in the office of said clerk within five days after he has received said notice and copy of interrogatories; then, and in either such case, this act shall cease to operate and have

No witness compelled to attend out of the county, except in certain cases.

effect; and the law now in existence, regulating the attendance of witnesses, be in full force and virtue.

Commis-
sions, &c.
may be tran-
smitted by
mail.

Sec. 5. *Be it further enacted*, That the commission and interrogatories may be returned, and the deposition may be transmitted by mail to any clerk within this state; and that the certificate of the Post Master, or his deputy, at the Post-office where the same may be deposited for transmission, stating that it was received by him from one of the commissioners, setting forth his name, shall be valid to all legal intents and purposes.

Cross in-
terrogato-
ries.

Sec. 6. *And be it further enacted*, That in all causes where notice of interrogatories is served, the party on whom the same is served, may file in the clerk's office cross interrogatories, which shall be sent on with the commission and original interrogatories.

Notice ser-
ved by she-
riff.

Sec. 7. *And be it further enacted*, That in all causes in law or equity, in which depositions are authorized by law to be taken, it shall be the duty of the sheriff of any county in this state, in which the party may reside, who has to be notified of the time and place of taking any deposition or depositions, or on whom notice and copies of interrogatories are required to be served, to deliver a copy of any notice, or interrogatories, put into his hands for service, to the proper person or persons in due time, and to endorse on the notice or interrogatories (as the case may be) delivered to him, the time of delivering such copy, and to return the same to the clerk of the court where the suit is pending: and every sheriff shall be allowed the sum of fifty cents for every copy of a notice, or of interrogatories delivered by him, to be taxed in the bill of costs; and the return of the sheriff shall be proof of notice in such cases.

Parties, At-
tornies, &c.
prohibited
writing de-
positions.

Sec. 8. *And be it further enacted*, That it shall not be lawful for the party or parties, their attorneys or agents, in any suit where depositions are taken, to write such depositions or dictate the words in which such depositions shall be written: but that the deponent himself, or one of the commissioners themselves, or some other disinterested person or persons shall, in all cases, write such depositions as nearly as may be, in the very words of the witness deposing; which facts shall, by the certificate of the commissioner or commissioners before whom such depositions are taken and to be thereunto annexed, be made known to the court where the depositions are to be read.

Sec. 9. *And be it further enacted*, That this act shall take effect, and be in force, from and after the first day of June next.

(Approved, December 20, 1824.)

AN ACT

To amend the Attachment Laws of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any person being a non-resident of this

state, be indebted to any person, also a non-resident, either by judgment, note or otherwise, and remove his or her property into, or hold property in this state, which would be subject to attachment for the benefit of a resident of this state, agreeable to the laws of the same, that the same benefit shall be extended to such non-resident as is, by law, secured to persons residing within this state: *Provided*, That such non-resident shall give good and sufficient security, residing in this state, to be approved by the Judge of the County Court where such property or effects may be, or any of the Judges or Clerks of the Circuit Court, payable to the defendant, in double the sum for which the complaint shall be made on oath, conditioned for satisfying all costs which shall be awarded to such defendant, in case the plaintiff shall be cast in suit; and, also, all damages which shall be recovered against the plaintiff in any suit or suits which may be brought against him for wrongfully suing out such attachment; which bond, together with the affidavit of the party complaining, subscribed with his proper name, shall be returned by the officer, taking the same, to the court to which the attachment is returnable; and that all laws and parts of laws contravening the provisions of this act, be, and the same are hereby, repealed.

Non-residents, under certain restrictions, may take out attachments.

Sec. 2. *Be it further enacted*, That, in addition to the oath now required by law, such non-resident plaintiff, his agent, or attorney, before obtaining any such attachment as is authorized by this act, shall swear that the defendant or defendants against whom such attachment is sued out, hath or have not sufficient property within the state, of his or their residence within the knowledge or belief of such non-resident plaintiff, agent, or attorney, (as the case may be,) wherefrom to satisfy such debt or demand.

Additional oath of non residents.

(Approved, December 25, 1824.)

AN ACT

To abolish the June term of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter the Supreme Court shall hold one session in each year; which shall commence on the second Monday of December, and continue until all business before the same be disposed of.

June term abolished.

Sec. 2. *And be it further enacted*, That all writs of error, or other proceedings, which are, or may be made returnable to the next June term of said Supreme Court, as authorized by the existing laws, shall, at the next December term thereof, have day and be proceeded on in the same manner and with the same effect as if the same had been made returnable to the said last mentioned term: *Provided*, That nothing herein contained shall be so construed as to prevent the issuing and returning of executions from said court, as now authorized by law for costs.

Returns how and when made

(Approved, December 24, 1824.)

AN ACT

The better to provide for the punishment of escapes.

Judges to charge the grand jury. *Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the Judges of the Circuit Courts in this state, be, and they are hereby required, at each term of the Circuit Court in each and every county, to give particularly in charge to the grand jury, to inquire if any escape has been permitted, either negligently or voluntarily, by any jailor or prison keeper, within their county, and to present the same.

The proof required. *Sec. 2. And be it further enacted,* That in all cases of presentment or indictment for escapes, the proof of a legal commitment and the escape shall be sufficient to throw the burthen of proof for exculpation on the defendant.

(Approved, December 22, 1824.)

AN ACT

To repeal part of the Ninth Section of an Act, entitled "An Act to regulate proceedings in Chancery Suits," passed January 1st, 1823.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That so much of the ninth section of an act entitled "An act to regulate proceedings in Chancery suits," passed January first, eighteen hundred and twenty-three, as requires a complainant to cause a copy of his Bill for an Injunction to be served on the defendant, with notice of at least ten days of the time and place when and where he intends to apply for an Injunction, be, and the same is hereby, repealed.

(Approved, December 24, 1824.)

AN ACT

To repeal in part An Act, entitled "An Act to regulate the proceedings in the Courts of Law and Equity in this State," passed December 14, 1819.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That from and after the passage of this act that the thirty-sixth section of an act, entitled "An act to regulate the proceedings in the Courts of Law and Equity in this state," passed December the fourteenth, eighteen hundred and nineteen; so far as the same relates to the county of Henry, be, and the same is hereby, repealed.

(Approved, December 25, 1824.)

AN ACT

Regulating proceedings on Penal Bonds.

Mode of pleading. *Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That in all actions, in any court of record, upon any bond, or on any penal sum, for non-performance of any covenants or agreements, contained in any indenture, deed or writing, the plaintiff or plaintiffs may assign as many breaches as he or they may think fit; and the jury upon trial of such

action or actions, shall assess damages for such of the breaches as the plaintiff shall prove; and the like judgment shall be entered on such verdict as heretofore has been usually done in such actions.

Sec. 2. *And be it further enacted*, That if judgment shall be given for the plaintiff on confession for an indefinite sum, or on demurrer, or by nil decit, in any such action, the plaintiff may assign as many breaches as he shall think fit; upon which a jury shall be empannelled at the same term of the court in which judgment has been rendered as aforesaid, to inquire of the truth of those breaches, and to assess the damages the plaintiff shall have sustained thereby. Jury to try breaches.

Sec. 3. *Be it further enacted*, That in case the defendant, after such judgment and before execution, shall pay into court to the use of the plaintiff the damages assessed, and costs, a stay of execution shall be entered upon the record; or if, by reason of an execution, the plaintiff shall be fully paid all the damages and costs, and the charges of the execution, the defendant's body, lands or goods shall be thereupon forthwith discharged from the execution, which shall likewise be entered upon record; but in each case the judgment shall, notwithstanding, remain as a farther security, to answer to the plaintiff such damages as he may sustain by any further breach of covenant contained in the same indenture, deed or writing; upon which the plaintiff may have a scire facias upon the said judgment against the defendant, his heirs, executors or administrators suggesting other breaches of the said covenants or agreements, and to summon him or them, respectively, to shew cause why execution should not be awarded upon the said judgment; upon which there shall be the like proceeding as was in the action upon the said bond, for assessing of damages upon trial of issue joined upon such breaches, or inquiring thereof upon empannelling a jury in manner aforesaid, and upon payment or satisfaction as aforesaid of such future damages, costs, and charges, as aforesaid, all further proceedings on the judgment are again to be stayed, and so *toties quoties*, and the defendants body, land or goods shall be discharged out of execution as aforesaid. Defendant by paying damages, a stay of execution shall be entered upon record, but the judgment to remain as farther security.

(Approved, December 20, 1824.)

AN ACT

To repeal in part an act therein mentioned; and requiring the plea of Set off, or notice thereof in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That so much of an act of the Legislative Council and House of Representatives of the Mississippi Territory, entitled an act concerning defalcation, passed February twenty-eight, one thousand seven hundred and ninety-nine, in force and in use in this state, as permits Defendants under the plea of payment to give any Bond, Bill, Receipt or Account in evidence, be, and the same is hereby, repealed. Repeal.



One debt
may be set
against the
other.

Sec. 2. *And be it further enacted*, That in all cases where there are or shall be mutual debts subsisting between the Plaintiff and Defendant, or if either party sue or be sued as Executor or Administrator, where there are mutual debts subsisting between the Testator or Intestate and either party, one debt may be set against the other, either by being pleaded in bar, or given in evidence on the general issue, or notice given of the particular sum intended to be set off, and on what account the same is due, notwithstanding such debts may be deemed in law to be of a different nature; but if either debt arose by reason of a penalty, the sum intended to be set off shall be pleaded in bar, setting forth what is justly due on either side; any law usage or custom to the contrary notwithstanding.

(Approved, December 15, 1824.)

AN ACT

For rendering the decision of civil causes more speedy and less expensive than heretofore.

Persons to
refer dis-
putes to re-
ferees.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That when any persons who may have a dispute of what nature soever, shall agree to have the dispute determined by referees, mutually chosen by the parties for the purpose, it shall and may be lawful for the person or persons making the demand in the action, to make out a particular statement thereof, under his or their hands in writing, and to lodge the same with some one justice of the peace, of the county in which either of the parties may reside, and the said justice of the peace, on application of the parties for the purpose, shall make out an agreement to be annexed to the aforesaid demand, and to be by them or their lawful agents or attorneys subscribed in substance as follows:

Agreement
of parties.

State of Alabama, *county*, Know all men that A.B. of and C.D. of have agreed to submit the demand made by the said A. B. against the said C. D. which is hereunto annexed (and all other demands as the case may be) to the determination of E.F. G.H. and I.K. the report of whom, or the major part of whom, being made as soon as may be, to any court of record of said county (if the amount exceed fifty dollars; if not, to any justice of the peace of said county) judgment thereon to be final: and if either of the parties shall neglect to appear before the referees after the proper notice has been given of the time and place appointed by the referees for hearing the parties in this action, which notice the referees shall be the judges of, they shall then have power to proceed *ex-parte*.
A.B.
C.D.

Parties fail-
ing to ap-
pear after
notice, re-
ferees to
proceed ex-
parte.

Justice's
certificate.

This day the above named A.B. and C.D. appeared personally before me and acknowledged the above instrument to be their free act. Given under my hand this day
of 18 A. B. justice of the peace.

Sec. 2. *Be it further enacted*, That in all cases where the amount of the judgment rendered shall exceed fifty dollars, the same shall be returned by the referees, under their hands and seals, to either the county or circuit court of the county in which such justice of the peace may dwell at the time he issued the agreement as aforesaid; and the said court to whom the report of the referees may be made as aforesaid, shall have cognizance thereof in the same manner, and under the same rules, as if the referees had been appointed by a rule of said court.

When the amount exceeds \$50 return to be made to circuit or co. court.

Sec. 3. *Be it further enacted*, That in all cases where the amount of the judgment rendered as aforesaid shall be fifty dollars or under, the same shall be returned to some justice of the peace of the county wherein such order may have been made, who thereupon shall enter up judgment and award execution in the same manner as if such judgment had been rendered by such justice of the peace, without the intervention of such referees.

Judgment under \$50 to a justice, who issues execution.

Sec. 4. *Be it further enacted*, That when the parties shall agree that the determination of the referees may be made known prior to its being returned as aforesaid, it shall and may be lawful for the referees to make the determination known to the parties, without its affecting in any degree the validity thereof; and if the parties shall then agree to settle their dispute according to the determination of the referees or otherwise, without further process, the said referees may deliver to the parties the papers belonging to them respectively, otherwise to make a report of their proceedings as before provided for by this act, *provided* that such determination shall be a bar to a second suit or plaint for the same cause of action.

On adjustment of difference the referees may publish the award.

Sec. 5. *Be it further enacted*, That the referees who may be appointed in pursuance of this act, shall be vested with all the authority that referees are vested with, who are appointed by a rule of court, and witnesses may be by them, or either of them, summoned to appear before them and be sworn in the same manner as is or may be prescribed by law for summoning witnesses before referees appointed by a rule of court as aforesaid.

Referees may summon witnesses.

Sec. 6. *Be it further enacted*, That no judgment awarded by referees as aforesaid shall be subject to be reversed or set aside for informality or other cause, if the subject matter of the reference is decided; unless it should appear satisfactorily to the court, or justice of the peace, before whom the same may be returned, that such judgment was obtained by evident partiality, bribery, corruption or other undue means.

Judgment of referees final, unless in case of bribery, &c.

Sec. 7. *Be it further enacted*, That the justice of the peace, for taking the agreement aforesaid and delivering the papers to the referees, as is required by this act, shall be entitled to receive from the complainant, the sum of one dollar, to be taxed in the bill of costs; and for all subsequent servi-

Justice's fee

ces the same fees may be demanded, as are allowed for similar services in other cases.

Fees of referees.

Sec. 8. *Be it further enacted*, That the referees shall be entitled to demand and receive the sum of one dollar each for every day they may be engaged in the determination of any controversy to them thus submitted.

Referee's oath.

Sec. 9. *Be it further enacted*, That the referees shall, before they enter on the discharge of their duty, take an oath or affirmation, impartially to determine the matter to them referred according to justice and the opinion they entertain of the evidence, without favor, fear or affection.

Sec. 10. *Be it further enacted*, That this act shall commence and be in force from and after the passage thereof.

(Approved, December 23, 1824.)

AN ACT

Concerning costs where suits are instituted in the name of one person for the use of another.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter on all suits instituted in any court of record in this state, in the name of one or more persons, for the use of another, and judgment thereon rendered against the plaintiff or plaintiffs, for costs, it shall be lawful to enter up judgment and issue execution against the person or persons for whose use such suit or suits may be instituted, any law, usage, or custom, to the contrary notwithstanding.

(Approved, December 24, 1824.)

AN ACT

To amend the first section of an Act, entitled "An Act amendatory to the laws now in force for the relief of Insolvent Debtors," passed June 15th, 1821.

The bond given by insolvent debtors, to be endorsed over to pl'ff. by the officer.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the bond directed to be taken by the first section of an act, entitled "An act amendatory to the laws now in force for the relief of insolvent debtors," passed June fifteenth, one thousand eight hundred and twenty-one, from any person taken on mesne process, or in actual custody, or charged in execution, and who may be desirous of delivering up his or her property for the benefit of his or her creditors, in order to be discharged from arrest or imprisonment, shall, by the sheriff or other officer to whom such bond is, by said act, directed to be given, be assigned to the plaintiff or plaintiffs at whose suit such person shall be arrested, charged in execution, or taken into custody, by endorsement thereon in the following form, to wit: "I, A. B. sheriff (or coroner, or constable, as the case may be) of the county of do hereby assign the within obligation and condition to C. D. his executors and administrators, to be sued for according to the statute in such cases made and provided. In witness whereof, I have hereunto set my

Form of endorsement.

hand and affixed my seal this day of in the year of our Lord ;” which assignment shall be made before the time mentioned in the condition annexed to such bond for the personal appearance of the principal obligor thereof and the surrender of his or her effects: And should such bond be forfeited, then, and in that case, the sheriff or other officer taking the same shall, within ten days after the time of such forfeiture, return the bond to the clerk’s office of the court from which the mesne process or execution issued, and by virtue of which the principal obligor on such bond was arrested or taken in execution, or to the Justice of the Peace who issued such process or execution, (as the case may be,) with an endorsement on such bond that the same is forfeited.

Bond to be returned to Clerk’s Office, or to where the process is sued.

Sec. 2. *And be it further enacted*, That when any bond shall be returned forfeited to the clerk’s office of any County or Circuit Court of this state, pursuant to the provisions of the first section of this act, that, then, and in such case, it shall be the duty of the clerk to whose office the same may be so returned, on application of the person or persons to whom such bond may be assigned, his or their agent or attorney to issue a scire facias, returnable to the next county or circuit court, as the case may be, against all the obligors in such bond or any or either of them, or all or either of their executors or administrators, requiring them, or any or either of them, to appear at such court and shew cause why the plaintiff or plaintiffs should not have execution against them for the full amount claimed by the plaintiff or plaintiffs to the mesne process or execution, by reason of which the principal obligor to such bond was arrested or charged in execution; and upon such scire facias returned made known, the defendant or defendants shall appear and plead, and a trial be had at the first term, unless sufficient cause be shewn for a continuance: *Provided*, That if such defendant or defendants do not appear and plead, within the first three days of the court to which such scire facias shall be returned executed, that the plaintiff or plaintiffs may take judgment by default: *And, provided, also*, That the return of two nihilis shall be considered a service.

When any bond is returned forfeited, a scire facias shall issue against the obligors.

Trial first term.

Proviso.

Sec. 3. *And be it further enacted*, That where any bond shall be returned forfeited, before any Justice of the Peace of any county in this state, pursuant to the provisions of the first section of this act, that, then, and in that case, it shall be the duty of such Justice, upon the application of the person or persons to whom such bond may be assigned, his, her or their agent or attorney, to issue a summons in the nature of a scire facias, against all, any, or either of the obligors to such bond, their or either of their executors or administrators requiring them, any or either of them to appear at the same time and place, therein specified, before himself or some other Justice of the Peace of the county where the same may be issued, to shew cause, if any they can, why

In certain cases of forfeiture Justices to serve summons against the obligors.

the plaintiff or plaintiffs in such summons should not have execution against them for the amount of the execution, by virtue of which the principal obligor in such bond was taken or charged in execution; and upon the return of such summons executed the defendants shall be ruled to trial immediately, unless good cause be shewn for a continuance.

Plaintiffs to
recover da-
mages.

Sec. 4. *And be it further enacted*, That the plaintiff or plaintiffs to a scire facias, issued pursuant to the provisions of the second section of this act, and the plaintiff or plaintiffs to a summons issued pursuant to the provisions of the third section of this act, shall be entitled to recover of the defendant or defendants to such scire facias or summons the full amount of the sum due by the execution or executions, or other process, mentioned in the condition of the bond, on which such scire facias or summons may be founded, together with interest, and the costs of such scire facias or summons.

Officer's
penalty.

Sec. 5. *And be it further enacted*, That if any sheriff, coroner or other officer, shall fail to assign, endorse, and return any bond taken by him from any insolvent debtor, as required by the first section of this act, such sheriff, coroner or other officer, shall be liable to the party injured thereby, to the full amount of the injury sustained, to be recovered before any court having jurisdiction thereof.

Schedules
of insol-
vents shall
be returned
to the coun-
ty clerk's
office.

Judge to
appoint
Commis-
sioners to
settle the
same.

Sec. 6. *And be it further enacted*, That in cases where insolvents have been heretofore discharged and no proceedings have been had to collect the debts due such insolvents, that the schedules of such insolvents shall be returned to the office of the Clerk of the county court, and the Judge of said court shall appoint one or more persons as commissioners in each case, who shall have authority to collect and recover all debts, property and estate due such insolvents, which are included in such schedules, or which may be omitted through the fraud of such insolvents, or otherwise; and the money when recovered shall be distributed as now required by law: and that the proceedings may be carried on in the names of such insolvents, it being stated on the original process that the plaintiffs therein are insolvent debtors; and the death of such insolvents shall not affect such proceedings.

(Approved, December 25, 1824.)

AN ACT

Amendatory of an Act, entitled "An Act regulating Escheats in this State, and to appoint Escheators;" and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That so much of the act, entitled "An act to regulate Escheats in this state, and to appoint Escheators," passed at the last session of the General Assembly, as requires the Judges of the several County Courts to give bond, with security, in a sum not less than ten thousand dollars, con-

ditioned for the faithful performance of the duties of the office of Escheator, be, and the same is hereby, repealed; and that immediately after the passage of this act the duties of Escheator shall be, and the same are hereby, annexed to those of the Judges of the County Courts, *ex-officio*, and under the same official sanctions and obligations.

(Approved, December 15, 1824.)

AN ACT

To repeal an act, entitled "An Act to establish regular Justices Courts in this State," passed the 30th December 1823.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the act, entitled "An Act to establish regular Justices' Courts in this State," passed the thirtieth December, one thousand eight hundred and twenty-three, be, and the same is hereby repealed—and that all laws, and parts of laws, repealed by the law which this is intended to repeal, be and the same are hereby revived.

Sec. 2. *And be it further enacted*, That this act shall take effect from and after the first day of February next. *Provided*, that all business commenced under the provisions of the act hereby repealed, shall go on to final decision in the same manner as if this act had not passed.

(Approved, December 22, 1824.)

AN ACT

Giving further time in which executions shall be made returnable when issued by justices of the peace, from one county to another.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That all justices of the peace in issuing executions to counties, other than such as they may reside in, are hereby authorized and required to make the same returnable within any period of time, not less than thirty nor more than ninety days, any law to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That in all cases of executions running from one county to another, it shall be the duty of any Justice of the Peace of the county to which such execution may be directed, upon having the same presented for that purpose, and upon being satisfied of the hand writing of the Justice of the Peace issuing such executions, to certify the same, which shall be sufficient evidence of the authenticity thereof.

[Approved, December 24, 1824.]

AN ACT

To regulate the mode of taxing costs on appeals, taken from the decision of the justices of the peace to the circuit and county courts in this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That whenever the defendant or defendants in any cause that shall have been decided by a justice of the peace, shall appeal from the judgment of such justice, and the appellate court shall render judgment in favor of the plaintiff or

Judges of
c'ty courts
made Es-
cheators.

Business
commenced
to be com-
pleted.

Executions
returnable
from 30 to
90 days.

Plaintiff or
defendant
liable for
appeal costs

plaintiffs for a less sum than that recovered before such justice; such appellate court may enter judgment for the costs of such appeal, either against the plaintiff or plaintiffs or against the defendant or defendants, according to the justice of the case.

Appellee to
have notice
of appeal.

Sec. 2. *And be it further enacted*, That no appeal shall be tried unless it appear to the court that the appellee, his agent or attorney, shall have had five days notice of such appeal previous to the term at which the same shall be tried, or unless the return of *non est inventus* be made by the constable on the notice issued by the justice, and for want of such notice or return, the cause shall stand for trial at the ensuing term.

Justice to
give notice.

Sec. 3. *And be it further enacted*, That on all appeals taken the justice shall issue a notice to the appellee of the same, which shall be served and returned by the constable and sent up with the papers, for which the justice shall have twenty-five cents, and the constable fifty cents.

Sec. 4. *And be it further enacted*, That all acts and parts of acts contrary to the provisions of this act, be, and the same are hereby repealed.

(Approved, December 24, 1824.)

AN ACT

To regulate the sale of slaves by Constables.

Slaves to be
sold at the
court house
door.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter all slaves levied on by any constable by virtue of an execution issued by a justice of the peace, shall be sold at public auction, at the court house door, or at the place of holding court in the county in which such execution may issue, on the days and hours prescribed by law for the sales of slaves by sheriffs.

Sale to be
advertised.

Sec. 2. *And be it further enacted*, That it shall be the duty of the constable to give at least twenty days notice in three or more public places in his county, one of which to be at the court house door, of the time and place of selling such slave, with a description of such slave to be sold.

Constables
Dues.

Sec. 3. *And be it further enacted*, That the constable, for levying and selling such slave, shall be entitled to the same compensation allowed by law to sheriffs for similar services: *Provided, nevertheless*, That the provisions of this act requiring slaves, levied on by executions issuing from justices of the peace, to be sold at the court houses in the respective counties, shall not extend to the parts of Lawrence and Franklin counties, in this state, north of the line dividing townships numbers five and six: but that slaves levied on by executions issuing from justices of the peace in said counties of Lawrence and Franklin, and belonging to defendants residing north of said township line, shall be sold, if in the county of Lawrence, on the public square in the town of Courtland; and if in the county of Franklin, on the public square in the town of Tuscumbia.

Proviso.

[Approved, December 24, 1824.]

To regulate pleadings at Common Law.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That no cause shall hereafter be reversed, arrested or otherwise set aside, after verdict or judgment, for any matter on the face of the pleadings not previously objected to: *Provided,* the declaration contains a substantial cause of action, and a material issue be tried thereon.

Judgment
to cure cer-
tain defects

Sec. 2. *And be it further enacted,* That no demurrer shall have any other effect than that of a general demurrer, and that the courts at any time previous to the term at which such demurrer shall stand for argument may allow the party on application to amend his pleadings without terms and after judgment in favor of the demurrer may authorise an amendment on terms. And if the demurrer be overruled, the court shall grant leave to the party demurring to withdraw the demurrer and plead to the merits of the action, upon such terms as the justice of the case may require.

All demur-
rers general

Pleadings
may be
amended,

Sec. 3. *And be it further enacted,* That all demurrers to any part of the pleadings in suits at law shall be tried when the cause is called for trial, and shall not be delayed until motion day or the four last days of the term. And it shall be the duty of the circuit and county courts, respectively, to hear and determine, at each and every term, all motions for the dissolution of injunctions.

Demurrers
tried forth-
with.

Sec. 4. *And be it further enacted,* That no cause shall hereafter be reversed by the supreme court or any circuit court, for any miscalculation of interest, or other clerical misprision in entering judgment so as to give costs to the plaintiff in error, but in all such cases the supreme court may order the judgment to be amended at the costs of the plaintiff in error.

No cause
shall be re-
versed for
clerk's er-
ror.

Sec. 5. *And be it further enacted,* That the circuit and county courts, respectively, shall and may at any time within three years after final judgment, upon the application of either party, amend any clerical error or misprision in calculation of interest, or other mistake of a clerk, where there is sufficient matter apparent upon the record to amend by, and no cause shall be reversed for any such error or defect, by the supreme court, unless the court of original jurisdiction, where the same was determined, shall upon application refuse the amendment.

Courts may
correct er-
rors within
three years.

[Approved, December 24th, 1824.]

AN ACT

To repeal in part an act regulating the fees of Justices, Constables and Lawyers, and to ascertain the fees that said officers are hereafter to receive.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That all after the first section of an act, entitled an act regulating the fees of Justices, Constables and Lawyers, passed December 31, 1823, be, and the same is hereby re-
pealed.

Repealing
clause

Fees of justices.

Sec. 2. *And be it further enacted*, That hereafter it shall not be lawful for justices of the peace to demand or receive any other fees for the services hereinafter enumerated than such as are hereinafter mentioned, viz. For celebrating the rights of matrimony, *two dollars*; for a warrant for apprehending a criminal, *thirty-seven and a half cents*; for a search or peace warrant, *twenty-five cents*; for a mittimus or recognizance, *twenty-five cents*; for warrant and proceedings thereon to judgment, *thirty-seven and a half cents*; for a warrant in *qui tam* cases and proceedings thereon to judgment, *fifty cents*; for every subpoena for witnesses, *twelve and a half cents*; for an execution, *twelve and a half cents*; for attachments, taking bond and affidavit, *one dollar*; for summons for garnishee and taking examination, *thirty-seven and a half cents*; for judgment and order of sale on attachment, *twenty-five cents*; for hue and cry, *twenty-five cents*; for each appeal, including bond and certifying proceedings, *seventy-five cents*; for administering an oath and certifying the same, *twelve and a half cents*; for taking deposition, by virtue of a *dedimus potestatum*, for every hundred words, *ten cents*; for every necessary certificate, not otherwise provided for, *twenty-five cents*.

Fees of constables.

Sec. 3. *And be it further enacted*, That hereafter it shall not be lawful for constables to demand or receive any other fees than such as are hereinafter mentioned, viz. for serving a warrant in civil cases, *fifty cents*; for summoning each witness, *twenty-five cents*; for serving search or peace warrant, *fifty cents*; for carrying a criminal to jail, per mile, *ten cents*; for levying an attachment, *seventy-five cents*; for summoning a garnishee, *fifty cents*; for levying an execution, *fifty cents*; for making money on an execution, *fifty cents*; for conveying a debtor to jail, *fifty cents*; for whipping a slave (to be paid by the owner) by order of a justice of the peace, *one hundred cents*; for summoning a coroner's inquest, to be paid by the county, *two dollars*; for attending court when summoned by the sheriff, to be paid by the county, per day, *one dollar and fifty cents*.

Sec. 4. *And be it further enacted*, That all acts and parts of acts contrary to the provisions of this act, be, and the same is hereby repealed; and that this act shall be in force from and after the passage thereof.

[Approved, December 24, 1824.]

AN ACT

Giving additional remedy against Constables.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That any constable who shall fail to return any execution issued by a justice of the peace, and delivered to said constable, to said justice issuing the same on or before the day on which such execution is made returnable, it shall be lawful for the plaintiff in said execution, his agent or attorney, to move said justice of the peace issuing the said exe-

Plaintiff may move against constable or securities by giving 3 days notice,

ction, after having given three days notice of the time and place of making said motion, to said constable or his security or securities, for judgment against said constable and his securities for the amount for which said execution issued, with interest thereon from the day on which the judgment on which said execution issued, was granted to the day of making said motion, together with costs of said motion; whereupon it shall be the duty of the said justice of the peace who issued said execution, to render judgment against said constable and his security or securities, according to the above provision.

and judgment shall be rendered

Sec. 2. *And be it further enacted*, That any constable who shall collect all or any part of an execution, issued by a justice of the peace, and shall refuse or fail to pay said money so collected, to the plaintiff in said execution, his agent or attorney, on demand, shall forfeit and pay to said plaintiff ten per centum per month on the sum collected as aforesaid, and at that rate for a greater or less sum, or a longer or shorter time; and it shall be lawful for the plaintiff in said execution, on giving to said constable or his security or securities three days previous notice of the time and place of making such motion, move for and obtain judgment against said constable and his security or securities, before the justice of the peace who issued said execution, for the amount of money collected as aforesaid, together with said ten per centum per month as aforesaid: in cases where the addition of ten per centum per month to the money collected as aforesaid, will not exceed the sum of fifty dollars, and in cases where the addition of ten per centum per month to the money collected as aforesaid, will exceed the sum of fifty dollars, the said motion against the said constable and his securities, shall be made to, and judgment rendered by either the circuit or county court of the county in which the justice resided, who issued the said execution, on giving the constable or his security or securities three days previous notice of the time and place of making such motion; which judgment rendered as aforesaid shall bear interest at the rate of five per cent. per month, from the rendition of judgment until the same be paid, and the execution issued on the said judgment shall, in the body thereof, express that the said judgment on which it issued, bears said five per centum per month.

On failure to pay over monies collected, shall forfeit ten per cent per month.

When damages, &c. exceed \$50, to be moved for before higher court and the judgment shall bear 5 per cent. per month interest.

Sec. 3. *And be it further enacted*, That any judgment rendered, as authorized by this act, shall not be stayed as judgments of justices of the peace are now authorized by law to be.

Judgment shall not be stayed.

[Approved, December 24, 1824.]

AN ACT

To alter the time of holding the next Circuit Court of Lawrence county.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the next circuit court for the county of Lawrence, in

Lawrence
cir. court
when held.

this state, shall be held at the court house, in the town of Moulton, on the third Monday of February next, instead of the third Monday in March next, as now fixed by law, and shall continue from day to day for twelve judicial days, unless the business of said court shall sooner be disposed of.

All business
transferred.

Sec. 2. *And be it further enacted*, That all suits civil and criminal, motions and other business, which would stand for trial, transaction and determination at the circuit court for the said county of Lawrence, to commence on the third Monday in March next, were it not for the passage of this act, shall stand for trial, transaction and determination at the said circuit court of Lawrence county, to commence on the third Monday in February next, by force and virtue of this act.

All process
to be return-
ed third
Monday in
February.

Sec. 3. *And be it further enacted*, That all recognizances, writs, subpoenas, and other process, which now are, or may hereafter be made returnable to the said circuit court of Lawrence county, on the third Monday in March next, shall, by force and virtue of this act, be returnable to the circuit court for said county of Lawrence on the third Monday in February next, and all parties, witnesses, and jurors required, summoned or recognized to appear at said circuit court on the third Monday in March next, shall, by force and virtue of this act, be bound to attend said circuit court on the third Monday in February next.

[Approved, December 24, 1824.]

AN ACT

To authorize the resident Judge of the third Judicial Circuit to hold an intermediate Court in Blount County, for the purposes therein mentioned.

An interme-
diate court
to be held
in Blount
county.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the resident Judge of the third judicial circuit be, and he is hereby, authorized and required to hold an intermediate court in the county of Blount, for the sole purpose of trying all suits which may have been transferred from other circuits to the circuit court of Blount county; and he is hereby authorized and required to proceed to try and dispose of all such cases, under the same rules and regulations as are now prescribed by law at the regular terms of said circuit court of Blount county: *Provided*, That if the suits which have been transferred to Blount circuit court from other circuits, in conformity to "An act to authorize a change of venue in chancery causes in certain cases," passed December thirty-first, eighteen hundred and twenty-two, shall be disposed of and tried at the next term of said circuit court, and in that case the said intermediate court hereby required, shall not be held: *and, Provided, also*, That the circuit Judges of this state shall so arrange their interchange of circuits as to prevent any Judge who may be disqualified by law from trying said suits, which have been transferred to said court, from riding said circuit until said suits are determined.

Proviso.

Sec. 2. *And be it further enacted*, That all orders, decrees and proceedings in said cases shall be had, and are hereby made as binding on the parties, as if the same had been done at the regular term of said circuit court.

[Approved, December 24, 1824.]

AN ACT

To authorize Judges of the County Courts to practice Law out of the County in which they may reside.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That, from and after the passage of this act, such Judges of the county courts as have been licensed to practice as attorneys at law in this state, shall be, and they are hereby, authorized to practice law in the several courts of this state: *Provided*, That they shall not be absent at the time of holding any court, or on any return day, required by law for them to hold or appoint.

(Approved, December 20, 1824.)

AN ACT

Providing for an extra term of the Circuit Court of Mobile and Baldwin Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the Judge of the first judicial circuit of this state, be, and he is hereby, authorized and required to hold a special term of the circuit court of Mobile county, for hearing and determining all pleas which were pending in the said court on the third Monday after the fourth Monday of October last, and which at the period hereinafter mentioned, shall be yet pending and undetermined in the said court; and that the said special term shall commence on the fourth Monday of January next, and shall not continue more than twelve judicial days.

Extra term of cir. court of Mobile to commence on 4th Mon. of Jan. next.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the said court, at the said special term thereof, to do and transact all business that the said court might lawfully have done and transacted at the last regular term thereof.

To transact business of last term.

Sec. 3. *And be it further enacted*, That the Judge aforesaid, be, and he is hereby, authorized to hold a special term of the circuit court of Baldwin county, for hearing and determining all pleas which were pending in the said court on the fifth Monday after the fourth Monday of October last, and which, at the period hereinafter mentioned, shall be yet pending and undetermined in the said court; and that the said special term shall commence on the second Monday after the fourth Monday of January next, and may continue for six judicial days, and not longer.

Extra term in Baldwin co. to commence on 3d Monday after the 4th of Jan. next.

Sec. 4. *And be it further enacted*, That it shall be lawful for the said court, at the said special term thereof, to do and transact all business that the said court might lawfully have done and transacted at the last regular term thereof.

To transact business of last term.

[Approved, December 22, 1824.]

AN ACT

Supplemental to an Act, entitled "An Act to authorize an extra term of the Circuit Court of Mobile and Baldwin counties," passed during the present session of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That it shall and may be lawful to sue out, and make returnable to the circuit court of Mobile and Baldwin counties, respectively, at the special term thereof authorized by the act to which this is supplemental, all writs and other process, and to serve all notices, in the same manner and under the same rules that such writs or other process might have been sued out, or such notices served, and made returnable to the said court at the last regular term thereof; and that the said court may, at the said special term thereof, hear and determine all motions which may then be made before it, in the same manner and under the same rules that the same might have been heard and determined at the last regular term thereof.

Sec. 2. *And be it further enacted,* That it shall and may be lawful for the sheriffs of the said counties, respectively, to draw jurors, to serve at the said special term, in the manner prescribed by law, at any time not less than ten days before the commencement of the said special term of the said courts, respectively, and to summon the persons so drawn as jurors, to serve as such, according to the laws now in force.

[Approved, December 23, 1824.]

AN ACT

To alter the time of holding the County Courts of Lawrence and Jackson Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the county court of Lawrence county, in this state, shall hereafter commence its January session, in each and every year, on the fourth Monday in January, instead of the first Monday in January, as heretofore; and that all writs, subpoenas, and other process, which now are, or may at any time between this and the first Monday in January next, be made returnable to the said county court of Lawrence at the time now fixed by law for the holding thereof be, by virtue of this act, returnable to the fourth Monday in January next; and that all parties and witnesses served with process to appear at said county court on the first Monday in January next, be bound to attend said court on the fourth Monday in January next.

Sec. 2. *And be it further enacted,* That all trials shall be had, pleas heard and determined, and all and every other kind of business done and transacted at the county court of said county, which, by this act, is to commence its session on the fourth Monday in January next, which would have stood for trial, transaction and determination, at said county court commencing on the first Monday in January next, previous to the passage of this law.

Process
made returnable.

Jurors
drawn.

Time of holding county court of Lawrence c'ty altered

Business transferred.

Sec. 3. *And be it further enacted*, That so much of the third section of an act, entitled "An act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state," passed June fourteenth, eighteen hundred and twenty-one, as requires the county court of Lawrence county to commence its session on the first Monday in January in each year, be, and the same is hereby, repealed. Repealing clause.

Sec. 4. *And be it further enacted*, That the county court of Jackson county shall, hereafter, commence its session on the third Monday in February and August, instead of the second Monday in February and August, as heretofore; and that all writs, subpoenas, and other process, which now are or hereafter may be made returnable to said county court of Jackson county, at the time now fixed by law, be made returnable to the said court at the times fixed by this act, and that all parties and witnesses served with process to appear at said county court, on the time heretofore prescribed by law, be required to appear at the times fixed by this act. Time of holding county court of Jackson co. altered.

Sec. 5. *And be it further enacted*, That all trials shall be had, pleas heard and determined, and all and every other kind of business done and transacted, at the county court of the said county of Jackson, which, by this act, is to commence its session on the third Monday in February and August, which would have stood for trial, transaction and determination at said county court commencing on the second Monday of February and August. Business transferred.

[Approved, December 2, 1824.]

AN ACT

To authorize the Judge of the county court and commissioners of revenue and roads of Marengo county, to levy a tax to build a Court-house and Jail.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the judge of the county court and commissioners of revenue and roads of Marengo county, be and they are hereby authorized and required to lay a tax on all persons and property in said county subject to taxation, not exceeding one-fourth of the state and county tax, which shall be collected by the tax collector, in the same manner, and for the same compensation that the county tax is collected, and paid into the county treasury. Additional tax for building court house and jail.

Sec. 2. *And be it further enacted*, That the commissioners appointed to contract for and superintend the building of a Court-house and Jail for the county of Marengo, be and they are hereby authorized and required to draw an order or orders on the treasury, and appropriate for the building such Court-house and Jail as may have been contracted for, or as may hereafter be contracted for, all monies that shall be collected in pursuance of the preceding section. Monies how appropriated.

Sec. 3. *And be it further enacted*, That the Judge of the county court and commissioners aforesaid, be, and they are

Additional
tax set apart

hereby authorized to levy the aforesaid tax, from year to year, until a sufficient sum be raised to defray the full amount of the expences incurred in completing the building of the Court-house and Jail for said county, and the amount of said tax shall be expressly set apart, and kept separate for the purpose aforesaid.

[Approved, December 24, 1824.]

AN ACT

To authorize the county court of Bibb county to appoint some person to transcribe certain records of said court, and for other purposes.

C'ty judge
to appoint
the scribe.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That it shall and may be lawful for the judge of the county court of Bibb county, to appoint some capable and discreet person to transcribe such part of the records, minutes and proceedings of the county court, the orphan's court and commissioners' court of said county, as he may deem necessary; and cause the same to be correctly entered in a fair hand, in substantial well bound books to be provided for that purpose.

Oath of
scribe.

Sec. 2. *And be it further enacted,* That the person so appointed before he enters upon the discharge of his duties, shall, before the judge of the county court or some justice of the peace, take and subscribe the following oath, viz. I, A.B. do solemnly swear that I will honestly and faithfully transcribe such part of the records, minutes and proceedings of the county court, the orphan's court, and commissioner's court, as may be committed to me by the Judge of the county court, and that I will correctly and truly enter the same in the books provided for that purpose, to the best of my skill and ability—so help me God: which oath the Judge shall cause to be filed in the Clerk's office.

Records to
be examin-
ed by said
judge.

Sec. 3. *And be it further enacted,* That as soon as the said records, minutes and proceedings, shall be transcribed into the books provided for that purpose, it shall be the duty of the judge of the county court to examine the same and compare them with the original books, and if the same be found to be correctly entered in the books provided for that purpose, it shall then be the duty of the judge of the county court to certify the same upon the record, under his hand and seal; and the said books shall afterwards be considered the true and authentic records of the clerk's office of the county court: *Provided, nevertheless,* That the original manuscripts and books shall be kept and preserved in said office.

Compensa-
tion al-
lowed.

Sec. 4. *And be it further enacted,* That the person who may be appointed to transcribe the said records, shall be entitled to such compensation for the same as may be allowed him by the judge of the county court and commissioners of roads and revenue, to be paid out of the county treasury.

(Approved, December 25, 1824.)

AN ACT

Explanatory of, and supplemental to the act to establish the Bank of the state of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the president and directors of the Bank of the state of Alabama, when they find it expedient to issue notes not under the seal of the corporation, and promising the payment of money to any person or persons, his, her or their order, assignable by endorsement, as provided in the tenth section of the act to establish the Bank of the state of Alabama, commonly called *post notes*, may issue the said notes made payable after a period not exceeding one hundred and twenty days, and the said notes shall be payable in specie on demand, when the period for which they shall have issued may have expired, any requisition or construction of the said tenth section to the contrary notwithstanding.

The issue of
Post Notes
authorized.

Sec. 2. *And be it further enacted,* That the clerks of the several circuit and county courts, and public notaries, are hereby authorised and required upon the application of any person or persons, to take acknowledgments of powers of attorney to transact business with the said Bank, and certify the same under their seals of office; and if there be no seal of office, under their private seal, as their official seal.

Powers!
of attorney
howackowl-
edged.

Sec. 3. *And be it further enacted,* That the county court of the county where the said Bank may be established shall have concurrent jurisdiction with the circuit court of said county, for the recovery of debts for and against the Bank in the manner prescribed in the eighteenth section of the above recited act.

In debts
the c'ty c't
to have con-
current ju-
isdiction
with cir. c't.

Sec. 4. *And be it further enacted,* That the Treasurer is hereby authorised and required to pay over to the said Bank the revenue and public dues admitted in the Comptroller's office and that the same shall remain subject in said Bank to the checks of the said Treasurer; for the payment of all demands made payable at the Treasury of this state.

State Trea-
surer to pay
over to the
Bank pub-
lic monies.

Sec. 5. *And be it further enacted,* That all vacancies that may happen in the board of directors, during the session of the General Assembly, shall be filled by joint vote as in other cases, and that all vacancies which have occurred in the said board during the present session of the General Assembly shall be filled by joint vote of the General Assembly before the end of the present session; any law to the contrary notwithstanding.

Gen Assem-
bly to fill va-
cancies in
board of di-
rectors,
when in ses-
sion.

[Approved, December 24, 1824.]

AN ACT

To provide for the payment of the interest on the Loan obtained for the use of the state.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the president and directors of the Bank of the state of Alabama, be authorised and required to take early and effectual measures to provide for the payment of the half year.

President &
directors to
provide for

the paym't
of the inter-
est of loan.

ly interest which will first become due on the Loan obtained for the use of the state ; the said payment to be made at the Phoenix Bank in the city of New-York ; and also to provide from time to time for every future payment of interest on the said Loan.

Appropriation for pay-
ment of said
interest.

Sec. 2. *And be it further enacted by the authority aforesaid,* That three thousand one hundred dollars be appropriated out of any monies in the Treasury not otherwise disposed of, and made subject to the order of the said president and directors, to make the first payment of interest as aforesaid ; and that the said president and directors shall account with the Treasury for the said sum of three thousand one hundred dollars, from the proceeds of the business of the Bank, so soon as may be convenient and necessary.

Reserve for
the paym't
of interest.

Sec. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said president and directors, to reserve continually from the nett proceeds of their Banking business, full and sufficient sums to meet the said half yearly payments of interest as they severally become due, and transmit the same to the Phoenix Bank in the city of New-York.

[Approved, December 24, 1824.]

AN ACT

To provide for the transfer of Stock issued by the State, and for the renewal of lost Certificates thereof.

How certifi-
cates may be
transferred.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the certificates of stock created in obtaining a loan for the use of the state, in pursuance of the act to establish the Bank of the state of Alabama, approved the twentieth of December, eighteen hundred and twenty-three, and the act supplemental thereto, approved on the twenty-ninth of December, in the same year, be assignable by endorsement made by the legal holder thereof, or by transfer on a book or books at the bank of the state Alabama, by the legal holder as aforesaid of such certificates, or by his attorney authorised by power duly authenticated ; and it shall be the duty of the president and directors of said Bank to cause books to be kept for the purpose aforesaid ; wherein also shall be kept an account of the said stock and of all payments of principal and interest thereon, and of renewed certificates of stock that may be issued in virtue of this act.

Bank to
keep acc't
of all trans-
fers, &c.

How certifi-
cates may be
renewed.

Sec. 2. *And be it further enacted,* That in case any of the said certificates of stock shall be lost or destroyed, the same may be renewed in the manner following, viz. Proof of such loss or destruction, and an affidavit declaring the property therein to be *bona fide* in the applicant for renewal, shall be made before a judge of a circuit court of this state, or of the state of New-York, or before a judge of a district or supreme court of the United States, which proof shall be certified by such judge, together with his opinion that the same is satisfactory ; and the legal proprietor of the lost or destroyed

certificate shall execute a release of his interest therein in consideration of a new certificate of stock to be issued for the same amount, and with like effect: and it shall also appear that notice of the intended application shall have been given in a public newspaper in the city of New-York, for three months, immediately before application for a renewed certificate shall be made; whereupon it shall be lawful for the Governor of this state, for the time being, and a majority of the commissioners appointed in virtue of the eighth section of the act to establish the Bank of the state of Alabama, or such other commissioners as may hereafter be appointed for that purpose, to issue new certificates of stock in lieu of those which may be lost or destroyed, which renewed certificates shall express on the face of them a description of the original, and that the same hath issued in lieu of such original; and renewed certificates of stock issued in the manner herein prescribed shall be equally valid and shall be assignable in like manner as the original certificates in lieu of which they shall have issued.

Renewed certificates to be equally valid as the original

Sec. 3. *And be it further enacted*, That no renewed certificate of stock shall be granted under the provisions of this act, in favor of an assignee of a lost or destroyed certificate, unless he appear to be such assignee by transfer or transfers on the books kept at the Bank of the state of Alabama, conformably to the requisitions of the first section of this act: or (in case the assignment be by endorsement on such lost or destroyed certificate) unless such endorsement shall have been duly attested by the cashier of the Phœnix Bank in the city of New-York, and recorded by him: or if not attested by said cashier, acknowledged or proved before one of the judges, as required by the second section of this act, and recorded by the said cashier of the Phœnix Bank; whereby in every case it shall be manifest that the person applying is the proper assignee: nor shall any payment be made of principal or interest to any assignee of a certificate of stock unless such person appear to be such assignee in the manner provided by this act.

Requisites for renewal of certificates when they have been transferred, or endorsed over.

[Approved, December 24, 1824.]

AN ACT

To alter the time of holding the County courts of Tuscaloosa, Bibb, Madison, Greene and St. Clair counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the county court of Tuscaloosa county shall commence and be held on the third Monday in January, in the year one thousand eight hundred and twenty-five, and that the January term of said court shall in each and every year thereafter commence and be held on the second Monday in January, instead of the first Monday before the last Monday in December, as heretofore, and that all writs, subpoenas and other process which are now made returnable to the said county court of Tuscaloosa at the time now fixed by

Time of holding Tuscaloosa county court.

Parties, &c.
to abide by
the change.

law for the holding thereof, shall be by virtue of this act, returnable to the third Monday of January next; and that all parties and witnesses, served with process to appear at said county court on the first Monday before the last Monday in December, be bound to attend said court on the third Monday in January next.

Business
transferred.

Sec. 2. *And be it further enacted*, That all trials shall be had, pleas heard and determined, and all and every other kind of business done and transacted at the county court of said county, which by virtue of this act is to commence its session on the third Monday in January next, which would have stood for trial, transaction, and determination at said county court, commencing on the first Monday before the last Monday in December previous to the passage of this act.

Conflicting
laws repeal-
ed.

Sec. 3. *And be it further enacted*, That all acts and parts of acts, conflicting with this act, shall be, and the same are hereby repealed.

Time of hol-
ding Greene
co'ty court,
& business
transferred.

Sec. 4. *And be it further enacted*, That the county courts of Greene county shall hereafter be held on the first Mondays in June and December, in each and every year, instead of the times now pointed out by law, and that all process of every kind, now made returnable to the term of said court as at present established, or which may be hereafter issued, shall lie and be triable at the term of the court hereby established, in the same manner as if this act had not been passed.

St. Clair
Commiss'rs
court when
held.

Sec. 5. *Be it further enacted*, That the court of commissioners of revenue and roads of St. Clair county, shall hereafter commence and hold its regular sessions, on the second Monday in August in each and every year, instead of the first Monday of August, as now fixed by law.

Madison
Commiss'rs
court when
held.

Sec. 6. *And be it further enacted*, That the commissioners court, for the county of Madison, directed to be held on the first Monday in August, in each and every year, shall hereafter be holden on the first Monday in July, instead of August.

Time of hol-
ding Bibb
co'ty court
altered.

Sec. 7. *Be it further enacted*, That the county court of Bibb county shall hereafter be held on the second Monday in February and August, in each and every year, instead of the time now pointed out by law, and that all process of every kind, now made returnable to the term of said court as at present established, or which may hereafter be issued shall lie and be triable at the term of the court hereby established, in the same manner as if this act had not been passed.

(Approved, December 21, 1824.)

AN ACT

Relative to the securities of Judges of County Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the passage of this act it shall be the duty of every Judge of the circuit court, whenever application shall be made to him by the security or securities, or either

On applica-
tion of secu-

of them, of any Judge of the county court of any county in this state, to issue a citation to the said Judge of the county court to appear before him on some day therein named, not less than ten nor more than thirty days, then and there to enter into a new bond, with good and sufficient securities, for the faithful execution of the duties of his office.

rities citation shall issue.

Sec. 2. *And be it further enacted*, That upon the execution of such new bond by the judge of any county court, the security or securities, making application, shall be discharged from the obligation of the bond previously entered into by them: *Provided*, That nothing herein contained shall discharge the security or securities from any liability which they had, before that time, incurred.

Former securities discharged.

Proviso.

Sec. 3. *And be it further enacted*, That if any judge of the county court, being duly served with a citation as aforesaid, shall fail or refuse to give the bond as required by the act, then and in that case it shall be the duty of the judge of the circuit court to certify the same to the Governor, which shall be evidence of a vacancy and the same shall be filled as now prescribed by law.

Failure to give bond vacates the office.

[Approved, December 25, 1824.]

AN ACT

Authorising certain persons therein named to sell & dispose of real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Mary Ann Brannan, administratrix of the estate of James E. Brannan, be permitted to sell so much of the estate of the said James E. Brannan as may be sufficient to pay the debts thereof, upon giving bond and security in the same manner as is required by administrators in other cases for the sale of real estate.

Mary Ann Brannan permitted to sell real estate.

Sec. 2. *And be it further enacted*, That John Parks, administrator of the estate of Joseph Cahoon, deceased, be and he is hereby authorised to sell a house and lot in the town of Claiborne, upon such terms as he may think most advantageous to the said estate, upon giving bond and security to the judge of the county court, to apply the proceeds thereof according to law.

John Parks authorized to sell house and lot in Claiborne.

(Approved, December 25, 1824.)

AN ACT

To repeal in part and amend an act, passed December 17th, 1823, authorising Matthew Harberson, administrator of Samuel Harberson, deceased, to make conveyance of a certain tract of land therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That all the provisions and requirements of the above recited act, which by its words extend to David White be and the same are hereby extended and applied to James Johnson, and that all the rights, privileges, advantages and immunities enacted by said act and vested by its words in David White, be and the same are hereby vested in the said James Johnson.

(Approved, December 22, 1824.)

AN ACT

To establish a permanent Seat of Justice in the County of Jackson, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Hezekiah Bayles, Major Daniel Price, Colonel James Smith, Maclin Cross, James E. Daniel, John Reed, and Henry Ambrister, be, and they are hereby, appointed commissioners, who, or a majority of whom, shall select three places the most eligible and convenient sites as near the centre of said county as may be, to comport with the interest of the county, one of which shall be selected as the seat of justice for the said county, in the manner in this act hereafter prescribed.

Commis-
sioners to
select sites
for seat of
justice.

Mode of se-
lecting said
sites.

Sec. 2. *And be it further enacted,* That the said commissioners shall meet in the town of Belle Fonte, on the first Monday in February next, for the purpose of selecting; and shall continue from day to day until they do select the three places as mentioned in the first section of this act, and before they proceed to the duties of said mission shall take the following oath or affirmation, to be administered by some person authorized to administer oaths, to wit: You and each of you do solemnly swear (or affirm, as the case may be) that you will select and put in nomination three sites for the seat of justice for the said county of Jackson, as near the centre of said county as may be, to comport with the interest of said county, according to the best of your judgment, without favor or affection, prejudice or partiality, and without any other consideration than the common good and interest of said county generally.

Oath of
commiss'rs.

Vacancies
of commis-
sioners how
filled.

Sec. 3. *And be it further enacted,* That if any vacancy shall occur by the death, or refusal to act, of any of the commissioners by this act appointed, it shall be the duty of the judge of the county court of said [county] to appoint some person to fill such vacancy, who shall have all the powers, take the same oath, and be in other respects subject to the same restrictions to which the commissioners by this act appointed are subject.

Commis-
sioners to
notify sh'ff
of the selec-
tion.

Sec. 4. *And be it further enacted,* That the commissioners aforesaid shall, so soon as they fix upon the sites according to the provisions of this act, notify the sheriff of said county thereof, and furnish him with a written description of the sites selected, and if said commissioners should select one or more of the said three sites on the lands of an individual or individuals, they are hereby empowered to accept of any propositions of donation made by the proprietor or proprietors of the lands thus selected, and make a conditional contract for the same; which contract shall be affirmed, if, according to the result of the election hereinafter provided for, the seat of justice shall be fixed on such land; the terms and conditions of which contract or contracts for donations shall be furnished to the sheriff, by the said commissioners.

May receive
conditional
donations
for site.

Sec. 5. *And be it further enacted*, That it shall be the duty of the sheriff of said county, so soon as he receives the return of said commissioners, to advertise and hold an election in the said county on the third Monday in March next, at the different precincts established by law for holding the general election in said county, annexing to said advertisement the different places nominated by said commissioners, and the terms and conditions of any contract or contracts which may be made according to the provisions of the fourth section of this act, which said election shall be advertised at least fifteen days before the time of holding the same, at six or more of the most public places in said county, and shall be conducted pursuant to the election laws now in force in this state.

Sheriff to
advertise &
hold elec-
tion.

Sec. 6. *And be it further enacted*, That all persons within the limits of said county who are entitled to vote for members of the General Assembly, shall be qualified electors at such election; and the site having the greatest number of votes thus nominated shall be the permanent seat of justice for Jackson county.

Qualified
voters.

Sec. 7. *And be it further enacted*, That, if according to the provisions of this act, the seat of justice be fixed on public lands, in that case the quarter section of land on which it is fixed shall, and the selection thus made shall be the selection of the quarter section of land to the right of pre-emption to which the said county of Jackson is entitled, by act of Congress entitled "An act granting to the counties or parishes of each state or territory of the United States in which the public lands are situated, the right of pre-emption to one quarter section of land for seats of justice for the same, approved, May the 26th, 1824."

If fixed on
public land,
to claim
preemption
rights.

Sec. 8. *And be it further enacted*, That if according to the provisions of this act, the seat of justice be fixed on the lands of an individual or individuals, in that case Benjamin Cloud, Daniel Keith, William B. Jones, Thomas Hargis, and Jonathan Moore, be, and they are hereby appointed commissioners to select the said quarter section of land, according to the act of Congress aforesaid, and make return to the judge of the county court what quarter section of land they have chosen, whose certificate of such return, and that the seat of justice has been permanently fixed before the sale of public lands adjoining, together with this act, shall be evidence of a selection of a quarter section of land, according to the before recited act of Congress.

Commis-
sioners to
select quar-
ter section
according to
act of Con-
gress.

Sec. 9. *And be it further enacted*, That if according to the provisions of this act, the seat of justice be fixed on public lands, it shall be the duty of the sheriff to certify the same to the judge of the county court, whose certificate together with this act, shall be evidence of the selection of a quarter section of land, according to the before recited act of Congress.

Sheriff's
certificate
evidence of
selection.

Sec. 10. *And be it further enacted*, That the judge of the

county court and commissioners of the revenue and roads Judge, &c. shall be, and they are hereby empowered to contract for to contract for loan to such loan of money, as shall be necessary to pay the gov- pay for the ernment price for the said quarter section of land, at a rate gr. section. per centum not exceeding the legal interest, according to the laws of this state, which shall be payable whenever the amount shall be realized by the sale of such quarter section of land or any part thereof.

Sec. 11. *And be it further enacted*, That the said Benjamin Cloud, Daniel Keith, William B. Jones, Thomas Har- Comm'rs to gis and Jonathan Moore, be, and they are hereby appoint- layoff town, ed commissioners for the purpose of laying off a town, sur- sell lots, &c. veying and selling lots at the seat of justice fixed upon by the provisions of this act for said county of Jackson, and to contract for and cause the public buildings for said coun- ty to be erected on such terms as they may think most con- ductive to the true interest of said county.

Sec. 12. *And be it further enacted*, That it shall be the duty of said last mentioned commissioners to employ a sur- To size lots veyor to survey, designate, and lay off lots in said town by and return such metes and bounds, and of such dimensions as said map to cl'k commissioners may direct, and make out a fair plat or cor- c'ty court. rect map with the certificate of the surveyor thereto, and return the same to the clerk of the county court, whose duty it shall be to record the plat or map with the surveyors cer- tificate in the record books of his office.

Sec. 13. *And be it further enacted*, That the said com- To adver- missioners shall give at least six weeks notice in some news- tise sale of paper printed in the town of Huntsville, of the time and lots. place of selling lots at the seat of justice aforesaid, and also at three or more public places by advertisement in the said county of Jackson.

Sec. 14. *And be it further enacted*, That the said commis- Conditions sioners shall have power to sell the lots aforesaid, on such of sale. terms and conditions as they may think best calculated to promote the best interest of the county, but in no instance to make a title in fee simple to any purchaser or purchasers of any lot or lots, until the whole consideration for the same is actually paid.

Sec. 15. *And be it further enacted*, That the commission- Public ers aforesaid shall cause to be laid out a public square, of square. such dimensions as they may deem proper, and reserve the same from sale.

Sec. 16. *And be it further enacted*, That the said com- Public missioners shall give six weeks notice that they will receive buildings. proposals for building a court house and jail, for the use of the county aforesaid, of such dimensions as they may think proper; and the commissioners shall take bond with approved security, from the undertaker or undertakers, in double the amount for which said public buildings may be under- taken, conditioned for the faithful completion thereof, by the time specified in the bond, and agreeably to the plan de-

used, payable to them as commissioners for Jackson county, and their successors in office.

Sec. 17. *And be it further enacted*, That all notes, bonds, or other instruments of writing taken by said commissioners, not otherwise herein provided for, for the payment of money, shall be made payable to Benjamin Cloud, Daniel Keith, William B. Jones, Thomas Hargis, and Jonathan Moore, commissioners for Jackson county, and their successors in office; who are hereby vested with full power to sue and recover the sum or sums of money therein specified.

Bonds, &c.
to whom
payable.

Sec. 18. *And be it further enacted*, That in case of death, resignation, removal or refusal to act of either of the commissioners last aforesaid, it shall and may be lawful for the residue of said commissioners to nominate and appoint any fit person or persons to fill such vacancy.

Commiss'rs
to fill va-
cancies.

Sec. 19. *And be it further enacted*, That the said commissioners before they enter on the duties of their appointment, shall take and subscribe the following oath, to be administered by any justice of the peace or county judge for said county, to wit: I, (or we, as the case may be,) do solemnly swear, that as commissioner or commissioners of Jackson county, will faithfully and impartially, and to the best of our abilities, discharge the duties of commissioner or commissioners, for the said county of Jackson, and as far as in our power, to the best interest of said county, so help

Oath of
commiss'rs.

God; which oath shall be deposited in the office of the county court clerk.

Sec. 20. *And be it further enacted*, That the said commissioners shall, from time to time, receive such compensation for their duties as shall be allowed them by the county court of said county, to be paid out of the county treasury.

Their com-
pensation.

Sec. 21. *And be it further enacted*, That the said last mentioned commissioners be, and they are hereby empowered to sell and dispose of the said quarter section of land which may be selected according to the aforesaid act of Congress, in such manner, and upon such conditions as they may deem most expedient for carrying into effect the purpose of the grant.

Comm'rs to
sell qr. sec.

Sec. 22. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and empowered to make such deeds of conveyance, or bonds for a title, to the whole or any part of said quarter section of land as they may deem expedient, which shall be binding and valid in law: they are also authorized and empowered to execute deeds of conveyance and title bonds for town lots in like manner.

To make
titles.

Sec. 23. *And be it further enacted*, That the commissioners in this act first appointed, shall be allowed for compensation for their services, the sum of one dollar per day, to be paid out of the county treasury, out of any monies not otherwise appropriated.

Compensa-
tion first na-
med comm'rs

Sec. 24. *And be it further enacted*, That the jury for the

Jurors how
drawn.

circuit court of Jackson county, shall be drawn from the list of freeholders and householders of Jackson and Decatur counties, until the clerk shall be furnished by the sheriff of Jackson county, with a list of the freeholders and householders of Jackson county, as by this act established; and it shall be the duty of the clerk of the circuit court of Decatur county to transmit to the clerk of the circuit court of Jackson county such list as he may have in his office.

(Approved, December 24, 1824.)

AN ACT

Concerning Prisons and Prisoners.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That when the solicitor of any circuit, shall have good reason to believe that the keeper of any jail has been guilty of cruel and improper treatment towards any prisoner or prisoners, either by beating or failing to furnish good and wholesome diet, it shall be his duty to commence a proceeding against said keeper in the nature of an information, who upon being found guilty by a jury, shall be fined at the discretion of the court any sum not less than five nor more than one hundred dollars.

Solicitor to
proceed a-
gainst jailor
for maltreat-
ing prison-
ers.

Judge with
com's of re-
venue to lay
out prison
bounds.

Sec. 2. *And be it further enacted,* That the judge of the county, together with the commissioners of revenue and roads, shall be, and they are hereby empowered and required to mark and lay out, the bounds and rules of their respective prisons, not exceeding one mile from the jail, which marks and bounds shall be recorded and renewed, or altered from time to time, as occasion may require; and any prisoner imprisoned in a civil action for debt or damages, on original mesne, or final process, on entering into bond with security as hereinafter mentioned, shall be at liberty to walk within said prison bounds, and keeping within the same shall be deemed in law a prisoner.

Prisoner
under cer-
tain restric-
tions may
enjoy pris-
on bounds.

Sec. 3. *And be it further enacted,* That any prisoner imprisoned, as mentioned in the second section of this act, may enter into bond with sufficient securities to the plaintiff in double the sum of the debt or damages for which he may be imprisoned; which said bond the sheriff or jailor may take, with a condition in the following form, to wit: The condition of the above obligation is such, that if the above bound, A. B. a prisoner in the jail of _____ county at the suit of C. D. do, and shall from the date hereof, continue a true prisoner in the custody, guard, and safe keeping of the keeper of said prisoner, or of his steward, deputy or other officer, or of some of them within the limits of the prison bounds of said prison as by law established, until he shall be thence discharged by due course of law, without committing any escape in the mean time, then this obligation to be void, else to remain in full force and virtue—which bond shall by the officer taking the same, be filed away in the clerk's office of the court, whence the process issued on

which such prisoner was arrested, and if issued by a justice of the peace, it shall be filed in the clerk's office of the county court, and the clerk in either case, shall be bound to give the officer depositing such bond a receipt therefor, which shall be evidence, in case said bond should be lost, of said officers having taken the same—and should the condition of said bond be broken, the same may be put in suit, and the debt or damages for which said prisoner was imprisoned, together with ten per cent. interest thereon, from the time of commitment, recovered, and costs of suit.

Sec. 4. *And be it further enacted*, That this act shall take effect from and after the first day of January next.

(Approved, December 23, 1824.)

AN ACT

To authorise the administrator of the estate of Cadwallader Lucy, dec'd. to sell and convey certain certificates of land, upon which one payment only has been made.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Benajah P. Whitlow, administrator of the estate of the said Cadwallader Lucy, deceased, be, and he is hereby authorised to sell and dispose of the certificates for the south west quarter of section numbered thirty two, in township eleven, range three west, and the north west quarter of section thirty, in township eleven, range three, west, in the district of lands sold at St. Stephens, upon which one payment only has been made, belonging to the estate of the said Cadwallader Lucy, on giving thirty days notice in some public newspaper printed in the town of Cahawba, of the time and place of selling the same.

Benajah P. Whitlow, adm'r to sell certain certificates on giving 30 days notice.

Sec. 2. *And be it further enacted*, That the said certificate of land shall be sold on a credit of not less than six months, and the said sale shall in all other respects, be under the same rule and regulations as are now required by the laws in relation to intestate's estates.

[Approved, December 24, 1824.]

AN ACT

Authorising the Administrators of Nathaniel Henderson, deceased, to sell real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Benjamin C. Foster and William F. Ezell, administrators of all and singular the goods and chattels, rights and credits of Nathaniel Henderson, deceased, be, and they are hereby, fully empowered to sell so much of the real estate belonging to the estate of the said Nathaniel Henderson, as may be sufficient to pay the debts due from said estate, upon such terms as they may think proper.

Ben. C. Foster & Wm. F. Ezell, adm'r to sell real estate for certain purposes.

Sec. 2. *And be it further enacted*, That Nathan Smith, guardian of Samuel W. Lennox, a minor, be, and he is hereby, authorised and empowered to sell one half quarter section of land, to wit: the south half of the south east quar-

Nath. Smith guardian of S. W. Lennox, to sell

land under
certain res-
trictions.

ter of section number thirty-one, in township number one, and range number one, east of the basis meridian of lands sold at Huntsville, containing eighty acres, more or less, on the following terms, to wit: after giving thirty days notice in one or more public newspapers printed in the town of Huntsville, of the time and place of sale, at a credit of two, three, and four years, payable in equal instalments, to bear interest at eight per centum per annum from the day of sale, taking bonds with good and sufficient security, with a lien on the premises for securing the payments of the purchase money; and the money when received shall be, by said guardian, annually accounted for, with the judge of the county court, with interest at eight per centum per annum, and upon the final payment of the purchase money for said land, the guardian shall make to the purchaser thereof a legal conveyance, which shall be valid and binding in law.

Sec. 3. *And be it further enacted*, That the said Nathan Smith, before the sale of the estate aforesaid, shall enter into bond, with sufficient security, payable to the judge of the county court of Madison county, for the true and faithful payment of the money arising from the sale of the said estate, as required by law in other cases of sales, by executors, administrators and guardians.

(Approved, December 25, 1824.)

AN ACT

To authorise Armstrong Mitchell, executor, and Elizabeth Averett, executrix of the last will and testament of Benjamin Averett, deceased, to transfer certain real estate.

Armstrong
Mitchell,
ex'r & Eliza-
beth Aver-
ett, ex'rx of
Ben. Aver-
ett, to trans-
fer certain
lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Armstrong Mitchell, executor, and Elizabeth Averett, executrix of the last will and testament of Benjamin Averett, deceased, are hereby authorised and fully empowered to transfer and convey to Henry G. Woodward, the following described lands, to wit: the northwest quarter of section numbered thirty-four, range fifteen, and township seventeen, and also the north half of the southwest quarter of section numbered thirty-four, of range fifteen and township seventeen.

Sec. 2. *And be it further enacted*, That Armstrong Mitchell, executor, and Elizabeth Averett, executrix of the last will and testament of Benjamin Averett, deceased, are hereby authorised and fully empowered to transfer and convey unto Jacob Averett, the northeast quarter of section numbered seven, range fifteen and township sixteen.

Sec. 3. *And be it further enacted*, That the title which the said executor and executrix of the last will and testament of Benjamin Averett, deceased, are by this act authorised to make, shall be as valid in law as though the same had been made by Benjamin Averett in his life time; and that this act shall be in force from and after its passage.

[Approved, December 22, 1824.]

AN ACT

To amend an act entitled an act to authorise Young A. Gray to convey certain real estate therein mentioned, passed December 30th, 1823.

Whereas it appears to this General Assembly that in the act, passed on the thirtieth day of December, 1823, entitled an act to authorise Young A. Gray to convey certain real estate therein mentioned, there was a mistake made in the number of the section of land mentioned in said act, and that the same should have been the thirtieth, instead of the thirteenth section in township three, range three west, for remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That all the provisions of the above recited act which apply to the certificate of the thirteenth section, range three, township three, west, lying in the county of Limestone, be and the same are hereby applied to the certificate for section thirty, in township three, range three west, lying in said county of Limestone, and that the said Young A. Gray, the father of James B. Gray, an infant, be and he is hereby authorised and empowered to sell and transfer the certificate for the thirtieth section, in township three, of range three west, lying in said county of Limestone, in the same manner, under the same restrictions and upon the same conditions that he was by the above recited act authorised and empowered to sell and transfer the certificate of the said thirteenth section in range three, township three,

(Approved, December 22, 1824.)

AN ACT

Concerning the African Slaves lately ordered by the District Court of the United States, in this state, to be sold, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorised to take such measures, and give such instructions to the agent of this state, as may ensure a fair sale of the African slaves condemned in the district court of the United States for this district, and in case said agent should find it necessary to bid off any of the said slaves, to prevent a sacrifice of the price, he shall sell the same on the terms that may be most advantageous; and the said agent is authorised and required in all cases to pay the proceeds of said sales into the treasury of this state, excepting only such part thereof as shall be adjudged to the informer.

Gov. to give instructions as to sale of the slaves:

Sec. 2. *And be it further enacted,* That the Governor be, and he is hereby authorised to allow to the agent, and to such counsel as may have been necessarily employed in attending in behalf of the state to the cases lately pending in the courts of the United States, in relation to the illegal importation of African slaves, such compensation as may be just and reasonable, out of the proceeds of the slaves condemned.

Gov'r to allow agent compensation.

Sec. 3. And be it further enacted, That the governor be, and he is hereby authorised to cause such prosecution as may be advised to be proper in respect to the African slaves, imported on board the schooner Constitution, and lately ordered to be restored to certain claimants: *Provided,* such prosecution be deemed to be legally sustainable.

[Approved, December 25, 1824.]

AN ACT

To authorise the representatives of Malachi Gould, deceased, to sell certain real estate, and for other purposes.

Ex'rs of Malachi Gould to sell real estate.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the executor and executrix of Malachi Gould, deceased, be, and they are hereby authorised to sell, on such credit as they may think advisable, not to exceed two years, a certain tract of land, or the certificates thereto, which formerly belonged to said Malachi Gould, and is now a part of his estate, situate in the county of Greene.

Shall enter into bond & security.

Sec. 2. And be it further enacted, That the said executor and executrix shall, previous to the sale of said land or the certificates thereto, enter into bond in such amount and with such security as the Judge of the county court shall direct, conditioned that the money arising from such sale shall be faithfully applied to the benefit of said estate.

Sec. 3. And be it further enacted, That it shall be the duty of the executor and executrix to return to the county court the name and residence of the purchaser and the amount for which the land or certificates sold, and if the proceeds of the same be vested in land, they shall intimate the same to the county court by a return stating the number of acres, the range, township and section.

Ex'r of Andrew M'Elroy to sell real estate.

Sec. 4. And be it further enacted, That the executor of Andrew M'Elroy, deceased, be and he is hereby authorised to sell and convey the northeast quarter section of land, number thirty-one, township number one, and range number two, east, lying and being situated in the county of Madison, on such terms, with the same powers and privileges, subject to the same restrictions and limitations as the executor and executrix of Malachi Gould are subject to, by the provisions of this act.

Adm'r of R. Hutchison to sell certificates of land.

Sec. 5. And be it further enacted, That the administrators of Robert Hutchison, deceased, of Montgomery county, be and they are hereby authorised to sell all or any number of certificates of certain lands, belonging to said estate, on such terms and in such manner as they may deem most advantageous for said estate; and to make legal transfers thereof which shall be as valid and binding as if the same had been made by the said Robert Hutchison in his lifetime.

Ex'r of Jesse Wilson to sell lands.

Sec. 6. And be it further enacted, That the executors of the last will and testament of Jesse Wilson, be and they are hereby authorised to sell, upon such terms as may be prescribed by the county court of Dallas county, the northeast quarter of section number five, in township seventeen, and range eleven, and also the northwest quarter of section four, in the same township and range: *Provided,* that the said executors shall, previous to the sale of the said tracts of land, enter into bond and security, that the proceeds arising from the same shall be distributed according to the provisions of the said will of Jesse Wilson.

(Approved, December 22, 1824.)

AN ACT

For the relief of the heirs of Matthew C. Toulmin and Elizabeth Toulmin.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the heirs at law of Matthew C. Toulmin and Elizabeth Toulmin, deceased, late of Mobile county, who were aliens, be and they are hereby empowered to inherit any real estate of which the said Matthew C. Toulmin and Elizabeth Toulmin, respectively, died seized, or to which they or either of them were equitably entitled by purchase or otherwise, in the same manner as if the said Matthew C. Toulmin and Elizabeth Toulmin had, at the time of their decease, been citizens of the United States, and as if the said heirs were themselves citizens of the United States, any law, or rule to the contrary notwithstanding.

(Approved, December 25, 1824.)

AN ACT

To provide for the extinguishment of the debt due to the state of Alabama by the purchasers of lots in the town of Cahawba.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the purchasers or holders of certificates of lots in the town of Cahawba, on which full payments have not been made, be allowed until the first Monday in May next, to relinquish the same, and the sums which have been paid on them to be applied as cash to the payment of any other lot or lots, and that all forfeitures of lots in the town of Cahawba which may have accrued to the state in any manner, be released and remitted, until the first Monday in May next.

Purchasers of lots allowed until 1st Monday of May next to relinquish.

Sec. 2. *And be it further enacted by the authority aforesaid,* That no forfeitures of the first sale of lots shall take place if full and complete payments, without interest, shall be made by the first Monday in May next, *Provided* that this act shall not be so construed as to remit any interest, but such interest as may accrue after the first Monday in December 1824.

[Approved, December 8, 1824.]

AN ACT

Authorising Isaac Pugh to transfer certain real estate therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Isaac Pugh, administrator of Amos Robertson, be and he is hereby empowered to transfer all the right, title, interest and claim which the late Amos Robertson had to the fractional sections numbered fifteen and twenty-two west of the Alabama river, in township eight, of range five, to William Robertson.

(Approved, December 24, 1824.)

AN ACT

Authorising Executors, &c. to relinquish Lands under the act of Congress of the 18th May, 1824.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That it shall and may be lawful for executors, administrators and guardians, in this state, to enter a relinquishment of the lands of their testator, intestates or wards, upon which a part only of the purchase money has been paid, and apply the money paid thereon, as the act of Congress

Executors, adm'rs and guardians to relinquish lands.

Proviso.

of the eighteenth May, one thousand eight hundred and twenty-four, directs: *Provided*, That such relinquishments be made under the rules and restrictions of an act, passed fourteenth of June, one thousand eight hundred and twenty-one, entitled "An act to authorise executors, administrators and guardians to relinquish lands under the act of Congress, passed the second of May, one thousand eight hundred and twenty-one, and for other purposes."

[Approved, December 20, 1824.]

AN ACT

Making Appropriations for the year 1825.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the following sums of money be, and they are hereby appropriated to defray the expences of the civil list, and other necessary charges of government, namely: For the Gen. Ass'y. payment of the members of the General Assembly, at the present session, four thousand and forty-six dollars, twelve and a half cents, which added to the unexpended balance of former appropriations for that purpose, make the sum of twenty-two thousand dollars: For the Governor. payment of the annual salary of the Governor of this state, nineteen hundred and fifty four dollars, seventy-six cents, which added to the unexpended balance of former appropriations for that purpose, make the sum of two thousand dollars: For the Judges of cir't courts. payment of the annual salaries of the judges of the circuit courts, seventeen hundred and fifty dollars each, making ten thousand five hundred dollars: For the Sec'y state. annual salary of the secretary of state, comptroller and Comptroll'r Treasurer. and treasurer, one thousand dollars each, making three thousand dollars: For the Att'y Gen'l. payment of the annual salary of the attorney general, three hundred dollars: For the payment of the annual salary of the solicitor of the first judicial circuit, the sum of three hundred and fifty dollars: For the Solicitors. payment of the solicitors of the third, fourth, fifth, and sixth judicial circuits, two hundred and fifty dollars each, making one thousand dollars: For the Adj't Gen'l. payment of the adjutant general, one hundred dollars: For the payment of the quarter master general, one hundred dollars: For the pay- Cr. M. Gen. ment of the secretary of the Senate, and clerk of the House Sec. senate of Representatives, each seven dollars per day: For the Clerks payment of the assistant clerks of both branches of the General Assembly, each five dollars per day: For the B. Keepers payment of the door-keepers of the Senate, and of the House of Representatives, each four dollars per day; to be paid out of any money in the treasury not otherwise appropriated.

Extra to Sec'y senate
Sec. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed the secretary of the Senate for ex-officio services, in arranging the papers of the Senate, and preparing the journal for the press.

Sec. 3. *And be it further enacted*, That the sum of one hundred dollars be allowed the clerk of the House of Rep-

Representatives for ex-officio services in arranging the public papers and preparing the journal for the press.

Sec. 4. *And be it further enacted*, That the sum of two hundred and fifty dollars be appropriated as compensation to the secretary of state, for copying the laws of the present session of the General Assembly, and preparing them for the press. Sec'y State.

Sec. 5. *And be it further enacted*, That the sum of two hundred dollars be allowed the comptroller of public accounts, for clerk hire for the present year. Comptroller.

Sec. 6. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby set apart as a contingent fund, subject to the Governor's draft. Contingent Fund.

Sec. 7. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated for the state printer. State Printer.

[Approved, December 25, 1824.]

AN ACT

To provide for the payment of Slaves executed in pursuance of law.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That all slaves which may be hereafter executed in pursuance of law, shall be paid for in the manner hereinafter provided.

Sec. 2. *And be it further enacted*, That whenever on the trial of any slave for a capital offence, the jury shall return a verdict of guilty, the presiding judge, shall have the same jury sworn to assess the value of said slave, and the verdict of said jury, shall be entered on the records of the court, and the master or owner of such slave producing to the comptroller of public accounts, a transcript from the record of the court, regularly certified by the clerk, and the certificate of the sheriff, that any slave has been executed in pursuance of the sentence of the court, shall be entitled to receive a warrant on the treasurer for one half of the amount assessed by the jury, to be paid out of the fund hereinafter provided for that purpose. Jury to assess value of slave

Sec. 3. *And be it further enacted*, That to raise a fund for the purpose aforesaid, it shall be the duty of the assessors annually to assess a tax of one cent on all negroes under ten years, and two cents on all negroes over ten and under sixty; and it shall be the duty of the tax collectors to collect and return the same at the same time, and in the same manner they are now compelled by law to collect and return the state tax; and it shall be the duty of the treasurer to keep said fund separate and distinct from the revenue of the state. One half of said amount to be paid to owner

Sec. 4. *And be it further enacted*, That if the owner of any slave charged with a capital offence, shall fail to employ good and sufficient counsel, on behalf of said slave, it shall be the duty of the presiding judge before whom such slave may be tried, to assign counsel learned in the law to Tax on negroes to raise a fund

defend said slave, who shall be entitled to receive from the owner the sum of twenty dollars for his services.

Fine for se-
creting or
running off
a slave.

Sec. 5. *And be it further enacted*, That if the owner or any other person having charge or government of any slave who shall be charged with any capital crime, shall conceal or carry away any such slave, so that he or she cannot be brought to condign punishment, every owner or other person so offending, shall forfeit the sum of five hundred dollars.

Jury to say
what por-
tion of the
value owner
shall have

Sec. 6. *And be it further enacted*, That after the jury have found the value of the negro as aforesaid, they shall also say what portion of the same the master shall have, which in no case shall exceed one half of the value so found; and the prosecuting officer shall enquire as to all facts which would go to shew the portion of blame attached to the master; that the jury may rightly assess the amount he shall have.

This act not
to extend to
cases of re-
bellion

Sec. 7. *And be it further enacted*, That the slaves contemplated to be paid for by this act, shall not be so construed as to extend its benefits to the payment of slaves, executed in pursuance of this act in cases of rebellion or insurrection, or where neither the master or slave is settled in this state.

[Approved, December 24, 1824.]

AN ACT

Making Appropriations for certain Claims against the State.

J: A: Bates

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the sum of forty three dollars, and sixty cents, be, and the same is hereby appropriated for the payment of James A. Bates, jailor of Greene county, for provisions furnished certain prisoners in the jail of said county.

R Caruthers

Sec. 2. *And be it further enacted*, That the sum of eight hundred and fifty seven dollars, and twenty cents, be, and the same is hereby appropriated for the payment of Robert Caruthers, jailor of Madison county, for provisions furnished certain prisoners, confined in the jail of said county.

J: Slemens.

Sec. 3. *And be it further enacted*, That the sum of fifty dollars, be, and the same is hereby appropriated for the payment of John Slemens, for apprehending and prosecuting to conviction a certain person for horse stealing.

J: N: Baker

Sec. 4. *And be it further enacted*, That the sum of ninety eight dollars and forty cents, be, and the same is hereby appropriated for the payment of Joseph N. Baker, sheriff of Lauderdale county, for provisions furnished certain persons confined in the jail of said county.

S: Parsons

Sec. 5. *And be it further enacted*, That the sum of thirty-nine dollars and twenty cents, be, and the same is hereby appropriated for the payment of Silas Parsons, sheriff of Jackson county, for provisions furnished to certain persons in the jail of said county.

Sec. 6. *And be it further enacted*, That the sum of eleven dollars and sixty-cents, be, and the same is hereby appropriated for the payment of Elisha Easton, sheriff of Morgan county, for provisions furnished certain persons in the jail of said county. Elis: Easton

Sec. 7. *And be it further enacted*, That the sum of twelve dollars, be, and the same is hereby appropriated for the payment of Covington Edmondson, jailor of Limestone county, for provisions furnished certain persons in the jail of said county. C: Edmondson

Sec. 8. *And be it further enacted*, That the sum of fifty-one dollars and seventy-five cents, be, and the same is hereby appropriated for the payment of John B. Norris, sheriff of Dallas county, for attending supreme court at June term, and contingencies. J: B: Norris

Sec. 9. *And be it further enacted*, That the sum of six dollars, be, and the same is hereby appropriated for the payment of James Moore, for attending on the circuit court at March term, 1823, as bailiff. J: Moore

Sec. 10. *And be it further enacted*, That the sum of five dollars and fifty cents, be, and the same is hereby appropriated for the payment of Edward Strawn, for attending the circuit court of Jefferson county, as bailiff at September term, 1823. Ed: Strawn

Sec. 11. *And be it further enacted*, That the sum of four dollars, be, and the same is hereby appropriated for the payment of John W. Gregory, jailor of St. Clair county, for provisions furnished a prisoner in the jail of said county. J: W: Gregory

Sec. 12. *And be it further enacted*, That the sum of six dollars, be, and the same is hereby appropriated for the payment of Henry Derrick, jailor of Decatur county, for provisions furnished a person in the jail of said county. H: Derrick

Sec. 13. *And be it further enacted*, That the sum of twelve hundred dollars, be, and the same is hereby appropriated for the payment of the returning officers of the different counties in this state, for making returns of, and comparing the votes taken in their respective counties for electors of President and Vice-President. Returning officers of electors

Sec. 14. *And be it further enacted*, That the sum of six dollars and forty cents, be, and the same is hereby appropriated for the payment of John Hawkins, jailor of Marengo county, for provisions furnished to persons confined in the jail of said county. J: Hawkins

Sec. 15. *And be it further enacted*, That the sum of six dollars, be, and the same is hereby appropriated for the payment of Jacob Lindsay for provisions furnished a certain person in the jail of Marengo county. J: Lindsey

Sec. 16. *And be it further enacted*, That the sum of forty-six dollars and eighty cents, be, and the same is hereby appropriated for the payment of James Windsor, jailor of Mount county, for provisions furnished certain persons in the jail of said county. J: Windsor

Sec. 17. *And be it further enacted,* That the sum of twenty dollars, be, and the same is hereby appropriated for the pay of Edward Herndon, for his services as judge advocate to a general court martial at Greensborough.

Sec. 18. *And be it further enacted,* That the sum of four dollars, be, and the same is hereby appropriated for the payment of Alexander Porter, for attending the circuit court of Shelby county at October term, 1823, as bailiff.

Sec. 19. *And be it further enacted,* That the sum of four dollars and eighty cents, be, and the same is hereby appropriated for the payment of Samuel L. Caldwell, jailor of Butler county, for provisions furnished a person in the jail of said county.

Sec. 20. *And be it further enacted,* That the sum of twenty three dollars and sixty cents, be, and the same is hereby appropriated for the payment of Thomas Adams, sheriff of Marengo county, for provisions furnished persons confined in the jail of said county.

Sec. 21. *And be it further enacted,* That the sum of one hundred and eighteen dollars and eighty cents, be, and the same is hereby appropriated for the payment of Thadeus A. Read, jailor of Jefferson county for provisions furnished certain persons confined in the jail of said county.

Sec. 22. *And be it further enacted,* That the sum of fifty dollars and fifty cents, be, and the same is hereby appropriated for the payment of Pleasant Wright, jailor of Green county, for provisions furnished a prisoner confined in the jail of said county.

Sec. 23. *And be it further enacted,* That the sum of twenty-four dollars, be, and the same is hereby appropriated for the payment of John Cunningham, jailor of St. Clair county, for provisions furnished a certain person in the jail of said county.

Sec. 24. *And be it further enacted,* That the sum of two thousand two hundred and seventy-two dollars and thirty-four cents, be, and the same is hereby appropriated for the payment of the tax collectors of the different counties of this state for taking the census of their respective counties.

Sec. 25. *And be it further enacted,* That the sum of eleven dollars and fifty cents, be, and the same is hereby appropriated for the payment of Thomas Ashford, for his services as bailiff, in attending the circuit court of Lawrence county, before the thirty-first day of December, 1823.

Sec. 26. *And be it further enacted,* That the sum of twenty dollars and eighty cents, be, and the same is hereby appropriated for the payment of John Stone, jailor of Lawrence county, for provisions furnished persons confined in the jail of said county.

Sec. 27. *And be it further enacted,* That the sum of sixty-four dollars be, and the same is hereby appropriated for the payment of John Henderson, jailor of Lawrence county, for provisions furnished persons confined in the jail of said county.

Sec. 28. *And be it further enacted,* That the sum of twenty-two dollars, be, and the same is hereby appropriated for the payment of Alexander McNutt, for his services as bailiff, in attending the circuit court of Lawrence county, before the thirty-first day of December, 1823. Al: McNutt

Sec. 29. *And be it further enacted,* That the sum of eight dollars be, and the same is hereby appropriated for the payment of Aaron Burleson, for his services as bailiff in attending the circuit courts of Lawrence county before the thirty first day of December, 1823. A: Burleson

Sec. 30. *And be it further enacted,* That the sum of twenty-five dollars, be, and the same is hereby appropriated for the payment of Robert Rogers, for his services as bailiff in attending the circuit courts of Lawrence county, before the thirty-first day of December, 1823. Ro: Rogers

Sec. 31. *And be it further enacted,* That the sum of four dollars, be, and the same is hereby appropriated for the payment of Samuel Erwin, for his services as bailiff in attending the circuit court of Lawrence county, before the thirty-first day of December, 1823. Sam: Erwin

Sec. 32. *And be it further enacted,* That the sum of four dollars, be, and the same is hereby appropriated for the payment of Jesse B. Roberts, for his services as bailiff in attending the circuit court of Lawrence county, before the thirty-first day of December, 1823. J.B: Roberts

Sec. 33. *And be it further enacted,* That the sum of twenty-four dollars and eighty cents, be, and the same is hereby appropriated for the payment of John Massey, sheriff of St. Clair county, for provisions furnished to certain persons confined in the jail of said county. Jno: Massey

Sec. 34. *And be it further enacted,* That the sum of thirty seven dollars and sixty cents, be, and the same is hereby appropriated for the payment of David C. Frasier, jailor of St. Clair county, for provisions furnished persons confined in the jail of said county. D C: Frasier

Sec. 35. *And be it further enacted,* That the sum of two hundred and thirty dollars and twenty cents, be, and the same is hereby appropriated for the payment of Henry V. Chamberlain, sheriff of Mobile county, for provisions furnished persons confined in the jail of said county. H: V: Chamberlain

Sec. 36. *And be it further enacted,* That the sum of two hundred and twenty-nine dollars and twenty cents, be, and the same is hereby appropriated for the payment of John B. Norris, sheriff of Dallas county, for provisions furnished persons in the jail of said county. J: B: Norris

Sec. 37. *And be it further enacted,* That the sum of eighty-three dollars and twenty cents, be, and the same is hereby appropriated for the payment of Joseph Graham, former sheriff of Dallas county, for provisions furnished prisoners confined in the jail of said county. Jos: Graham

Sec. 38. *And be it further enacted,* That the sum of fifty dollars be, and the same is hereby appropriated for the pay

Robt: Aiker ment of Robert Aiker, for apprehending and prosecuting to conviction a person charged with horse stealing.

Sec. 39. *And be it further enacted*, That the sum of thirty-eight dollars and eighty-eight cents, be, and the same is hereby appropriated for the payment of Stephen Pierce, former tax collector for Autauga county, for so much money by him overpaid into the state treasury, as tax collector as aforesaid.

John Martin Sec. 40. *And be it further enacted*, That the sum of one hundred and two dollars, be, and the same is hereby appropriated for the payment of John Martin, sheriff of Montgomery county, for provisions furnished a prisoner confined in the jail of said county.

Hora: Dade Sec. 41. *And be it further enacted*, That the sum of forty dollars and forty cents, be, and the same is hereby appropriated for the payment of Horatio Dade, sheriff of Clarke county, for provisions furnished prisoners confined in the jail of said county.

Daniel Cox Sec. 42. *And be it further enacted*, That the sum of forty-three dollars and twenty cents, be, and the same is hereby appropriated for the payment of Daniel Cox, jailor of Pickens county, for provisions furnished certain prisoners confined in the jail of said county.

R. Caruthers Sec. 43. *And be it further enacted*, That the sum of ninety-seven dollars and sixty cents, be, and the same is hereby appropriated for the payment of Robert Caruthers, jailor of Madison county, for provisions furnished prisoners in the jail of said county.

John Archer Sec. 44. *And be it further enacted*, That the sum of two hundred and four dollars and forty cents, be, and the same is hereby appropriated for the payment of John Archer, jailor of Mobile county, for provisions furnished prisoners confined in the jail of said county.

R. H: Warren Sec. 45. *And be it further enacted*, That the sum of sixteen dollars, be, and the same is hereby appropriated for the payment of Robert H. Warren, late tax collector of Greene county, for insolvencies not allowed him in settling with the comptroller of public accounts.

Th: Adams Sec. 46. *And be it further enacted*, That the sum of twelve dollars and eighty cents, be, and the same is hereby appropriated for the payment of Thomas Adams, sheriff of Marengo county, for provisions furnished a prisoner in the jail of said county.

Solicitor of first circuit Sec. 47. *And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated to the payment of the solicitor of the first judicial circuit, in pursuance of a joint resolution of the General Assembly of this state, passed 20th Dec. 1823.

Ch: Peerson Sec. 48. *And be it further enacted*, That the sum of one hundred and thirty-nine dollars and fifty-two cents, be, and the same is hereby appropriated to the payment of Charles Peerson, tax collector of Lawrence county, for the year 1822, in pursuance of an act of the present session.

Sec. 49. *And be it further enacted*, That the sum of two hundred thirty-nine dollars and twenty cents, be, and the same is hereby appropriated for the compensation of Timothy Merrick, jailor of Mobile county, for the sustenance of sundry prisoners legally committed to, and confined in the common jail of said county.

T: Merrick

Sec. 50. *And be it further enacted*, That the sum of fifteen dollars, be, and the same is hereby appropriated for the compensation of Harrison Cooper, a constable of Washington county, for attending the said court as bailiff of the grand jury, at three several terms.

H: Cooper

Sec. 51. *And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated to the payment of the quarter master general of this state, for his salary in the year 1823.

Q: M: Genl

Sec. 52. *And be it further enacted*, That the sum of five dollars, be, and the same is hereby appropriated to the payment of Thomas Martindale, for services performed for the state, according to the order of the judge of Limestone circuit court.

Th: Martin-
dale

Sec. 53. *And be it further enacted*, That Hugh Henry, sheriff of Bibb county, be, and he is hereby allowed the sum of fifty four dollars, and forty cents, for victualling as prisoners, John C. Brown, Daniel Gentry, Jesse A. Brown, Benjamin Camp, and Smith Randall, state prisoners, on producing to the comptroller of public accounts sufficient vouchers, and the comptroller, on producing such vouchers, is hereby authorised to draw on the state treasury for the above sum.

Hu: Henry

Sec. 54. *And be it further enacted*, That a sum not exceeding one hundred dollars, be, and the same is hereby appropriated for John B. Norris, sheriff of Dallas county, for the expenses of the supreme court during its session in December term, 1824: *Provided*, the judges shall certify so much to be correct.

J: B: Norris

Sec. 55. *And be it further enacted*, That the comptroller of public accounts, is hereby required to draw warrants on the state treasury, for the above appropriations.

Sec. 56. *And be it further enacted*, That the amount of sixty dollars, is hereby allowed to Wm. T. Glover, or so much thereof, as he may hereafter show he is entitled to, by an authenticated account, for feeding and securing certain state prisoners.

W: T: Glover

Sec. 57. *And be it further enacted*, That the following sums be, and they are hereby set apart for the payment of the following persons, to wit: bailiffs attending the circuit court of Washington county, to wit: to Alexander Faith, nine dollars; to William Chandler, seven dollars.

Bailiffs of
Washington county

Sec. 58. *And be it further enacted*, That the sum of eleven dollars and twenty cents, be, and is hereby appropriated to John W. Berne, jailor of Lauderdale county, for victualling certain prisoners; and the sum of seven dollars to James

J: W: Berne

James Knox

Knox, for assessing taxes in Tuscaloosa county in eighteen hundred and twenty-one.

Robt: Mays Sec. 59. *And be it further enacted*, That the sum of seventy-three dollars and fifty cents, be, and the same is hereby appropriated to Robert Mays, for cleaning and repairing public arms: *Provided*, the said Mays shall file his affidavit in the comptroller's office previous to obtaining a warrant therefor, that the charges are just, reasonable and usual, and the services actually rendered.

A: Roberts Sec. 60. *And be it further enacted*, That the sum of five dollars, be, and hereby is appropriated to Allen Roberts, for taxes improperly assessed in Greene county, in the year 1828.

Wm: Kelly Sec. 61. *And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated for the payment of William Kelly, for prosecuting writ of quo warranto against the Huntsville bank.

Bailiffs to file affidavits Sec. 62. *And be it further enacted*, That previous to issuing warrants, for any money appropriated for the payment of bailiff's tickets, the bailiffs shall file respectively, affidavits in writing in the comptroller's office, that they have not received the same or any part thereof, out of their county treasuries.

Heirs of H: Toulmin Sec. 63. *And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated to the payment of an allowance made at the last session of the General Assembly, to the legal representatives of Harry Toulmin, for services rendered by the said Harry Toulmin in digesting the laws of this state, to be paid out of any money in the treasury not otherwise disposed of.

For Stationary, &c. Sec. 64. *And be it further enacted*, That the following sums be, and the same are hereby appropriated to the persons herein named, to wit: To Phillip Flanigan, ten dollars, for repairs to state house; to John A. Cotton, twenty two dollars, for fuel the present session; to Fielding Vaughan & Co. eleven dollars and ninety cents, for candles; to Thomas H. Wiley & Co. ninety eight dollars thirty three and two-thirds of a cent for stationary, candles, &c.; to John J. Crocheron, thirty one dollars and fifty eight cents; to John W. Rinaldi, the sum of one hundred and twenty eight dollars seventy seven cents, and to Matthew D. Thomason, fifty four dollars seventy-five cents, for repairs to the furniture and state house.

Certain accounts hereafter bebarred. Sec. 65. *And be it further enacted*, That hereafter, the comptroller of public accounts, shall not allow and audit any account for feeding state prisoners, unless it appear by the allowance of the court, where the prisoner is convicted, that the prisoner is insolvent and unable to pay the prison fees.

M: D: Thomason Sec. 66. *And be it further enacted*, That the sum of twenty-five dollars, be, and the same is hereby appropriated to Matthew D. Thomason, for keeping the state house,

and superintending the putting in a new gutter, and repairing the roof, and the repairing the Representative hall, and the furniture belonging to the state house.

Sec. 67. *And be it further enacted*, That James C. Ervin, late assessor and tax collector for the county of Wilcox, be, and he is hereby authorised to receive the comptroller's warrant, and draw on the treasurer of this state for the sum of fifteen dollars and thirteen cents, out of any money not otherwise appropriated, it being monies paid for taxes improperly assessed. J. C. Ervin

Sec. 68. *And be it further enacted*, That the sum of fifty-seven dollars, be, and the same is hereby appropriated for the payment of Joseph Camp, for fuel; also, to Matthew D. Thomason the sum of thirty dollars, is hereby appropriated for fuel and cutting wood. M. D. Thomason

Sec. 69. *And be it further enacted*, That the sum of one hundred and thirty-six dollars, be, and is hereby appropriated for Norborne E. Chandler, tax collector for Monroe county, in the year eighteen hundred and twenty-three, it being the sum allowed him by an act of the General Assembly, passed at the present session, for baliff's tickets received in payment of taxes for that year and not heretofore allowed. N. Chandler

Sec. 70. *And be it further enacted*, That the sum of three dollars and seventy-five cents, be, and the same is hereby appropriated for the payment of John W. Rinaldi, for paper furnished for the use of the General Assembly; and the sum of two dollars, to pay Thomas H. Wiley, for quills furnished the General Assembly. J. W. Rinaldi
T. H. Wiley

Sec. 71. *And be it further enacted*, That the sum of twenty dollars be allowed Elijah Wyatt, for cutting wood for the use of the representative hall and clerk's rooms, to be paid out of any monies not otherwise appropriated. E. Wyatt

Sec. 72. *And be it further enacted*, That it shall not be lawful for the comptroller to issue warrants on the treasury for appropriations made in the thirty-seventh, fortieth and forty-fourth sections of this act, until he shall be furnished with legal vouchers establishing the same, pursuant to the existing laws. Vouchers required

[Approved, December 25, 1824.]

AN ACT

Making bastards capable of inheriting and transmitting inheritance on the part of their mother.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That bastards shall be capable of inheriting or of transmitting inheritance on the part of their mother, in like manner as if they had been lawfully begotten of such mother; and shall also, be entitled to a distributive share of the personal estate of any of their kindred on the part of their mother, in like manner as if they had been lawfully begotten of such mother. Bastards capable of inheriting and transmitting inheritance on the part of their mother.

Sec. 2. *Be it further enacted*, That the kindred of any

bastard on the part of his mother, shall be entitled to the distribution of the personal estate of such bastard in like manner as if such bastard had been lawfully begotten of his mother.

Sec. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

[Approved, December 18, 1824.]

AN ACT

To provide for the payment of Petit Jurors in the counties therein named, and for other purposes.

Petit jury
in certain
counties to
be paid by
the success-
ful party.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the petit jury in the counties of Henry, Pike, Covington, Dale, Bibb, St. Clair, and Autauga, shall in all civil cases on which verdicts shall be rendered by them, receive the sum of two dollars for each cause tried, to be paid by the plaintiff or successful party, at the time of rendering the verdict and the sum paid by the plaintiff or successful party, shall be taxed and collected in the bill of costs, for the use of the successful party.

Tax remit-
ted on writs
in the circ't
c'ts of cer-
tain co'ties.

Sec. 2. *And be it further enacted*, That the tax of two dollars on each suit now authorised by law to be taxed in the bill of costs, shall cease to be in force, so far as the same relates to suits hereafter brought in the circuit courts in the counties aforesaid.

Sec. 3. *And be it further enacted*, That all laws and parts of laws now in force, providing for the payment of petit jurors in the above named counties, be, and the same are hereby repealed.

Comp'sat'n
to assessors
and tax col-
lectors in
certain
counties.

Sec. 4. *And be it further enacted*, That the assessors and tax collectors for the counties of Blount, Baldwin, Walker, and Fayette, shall receive the same rate of compensation for collecting the county, as for collecting the state tax.

(Approved, December 25, 1824.)

AN ACT

For the relief of Thomas B. Tunstall.

Whereas, it appears to the General Assembly, That Thomas B. Tunstall, did in the year 1821, deliver a communication, which was not conceived by him to be at the time of delivering the same a challenge, and doubts having arisen, what the correct construction of the communication is, and being convinced that he did not intend, by delivering the same to commit a violation of the law on the subject of duelling, Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter in all cases where it may be necessary for Thomas B. Tunstall to take the duelling oath, prescribed by the act of the Legislature of this state, passed December sixth, one thousand eight hundred and twenty one, the oath shall be so framed as to permit him to swear, that he has not violated any of its provisions since the first day of January, one thousand eight hundred and twenty-two.

[Approved, December 25, 1824.]

AN ACT

To repeal in part, and amend an act entitled, "An act to raise a Revenue for the support of Government, until otherwise provided by law, passed December 27, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That so much of the above recited act, as requires the comptroller of public accounts to give notice to the defaulting bank or banks, through the medium of the Cahawba Press, be, and the same is hereby repealed, and that it shall hereafter be the duty of the comptroller, to publish the notice required by the act to which this is an amendment, in some newspaper published at the seat of government.

[Approved, December 25, 1824.]

AN ACT

For the relief of John J. Burton, and Stephen Holt.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the sum of one hundred and thirty-one dollars and twenty cents, be, and the same is hereby allowed to John J. Burton, for services rendered by him to this state, in removing Thomas Neely from a jail in the state of Mississippi to Marengo county in this state, under a charge of negro stealing; and that the sum of sixty dollars be allowed to Stephen Holt, for apprehending and assisting to bring the said Neely to the jail aforesaid, for the crime aforesaid, and that the comptroller draw his warrant on the treasurer for the above amounts in favor of each of them respectively,

(Approved, December 24, 1824.)

AN ACT

To authorise the Comptroller to issue his warrant on the State Treasurer in favor of Narborne E. Chandler, for a certain sum therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the comptroller is hereby authorised and directed to issue his warrant in favor of Norborne E. Chandler, for the sum of one hundred and thirty-six dollars, it being the amount of bailiff tickets received by the said Chandler, in the year 1823, as tax collector of Monroe county.

[Approved, December 24, 1824.]

AN ACT

To extend the time of payment of part of the public Revenue of Washington county.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the collector of the public revenue of Washington county be allowed until the first day of March next to make his return, and make a full settlement with the treasurer of this state, for the present year: *Provided,* The said collector pay into the treasury all the money he has collected, or may collect, before the first day of January next.

Sec. 2. *Be it further enacted,* That the provisions of the first section of this act shall not extend to the collector until he shall have given bond in the manner prescri-

bed by law, in double the amount of the arrearages which may be due and unpaid; conditioned, that he will collect and pay over the sums due, within the time prescribed by the provisions of this act; which bond shall be approved by the judge of the county court of Washington county.

(Approved, December 24, 1824.)

AN ACT

To compensate James Pugh for carrying Returns of the Election for Brigadier General from Pike county to Cahawba.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the sum of thirty dollars, be, and the same is hereby appropriated to pay James Pugh for carrying the returns of the election for Brigadier General from Pike county to Cahawba, and that the state treasurer is hereby authorised and required to pay over to the said James Pugh the said sum of money, out of any money in the treasury not otherwise appropriated.

Sec. 2. *And be it further enacted,* That the sum of ten dollars be, and the same is hereby appropriated for the payment of Timothy Pittman, sheriff of Henry county, for making the return of the election aforesaid, from Henry county to Pike county; and that the further sum of ten dollars, be appropriated for the payment of William Hewitt, sheriff of the county of Covington, for making the return of the election aforesaid, from the county of Covington to the county of Pike, and that the same be paid out of any money in the treasury not otherwise appropriated.

(Approved, December 25, 1824.)

AN ACT

To raise a Revenue for the support of Government until otherwise provided for by law.

Lands subject to taxation classed

Owner to give in oath

Amount of land tax

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That all lands in this state subject to taxation, shall belong to one class; the first quality of which shall be rated at sixteen dollars; the second quality at ten; the third quality at four; and the fourth quality at two dollars; and the owner or person subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state, on oath, to which quality they believe his or her lands belong.

Sec. 2. *And be it further enacted,* That the sum of ten cents, for every hundred dollars value, be paid on all lands within this state, which have been cleared out of the land office, or to which a complete title has been obtained by the owner; and the tax on all lands purchased of the United States, shall be proportioned to the number of instalments paid by the proprietor at the time of assessment, as well as to its class or quality; and if one instalment only be paid to the government, one fourth only of the amount of tax accruing by the laws of the state on land of the same quality, shall be assessed or collected; and in like proportion, when a second or third instalment shall have been paid.

Sec.* 3. *And be it further enacted*, That the sum of ten cents be paid for every hundred dollars value of all lands, lots or buildings, within any city or town, to be estimated by the person giving in the same, upon oath; twenty-five cents for every hundred dollars on the amount of merchandize, domestic or foreign, except such domestic articles as are manufactured within this state, sold within the sixteen months preceding the first day of May, eighteen hundred and twenty-five, and annually thereafter shall render their account of merchandize sold for twelve calendar months preceding the first day of May, for cash or on credit; to be estimated by the owner, or in his absence, by the principal clerk, giving in the same on oath; and for every slave not exceeding ten years, twenty-five cents; and all over ten and under sixty, eighty cents; for all free male negroes and mulattoes over twenty-one years, one dollar; for all free white males above the age of twenty-one years and not exceeding forty-five, thirty-seven and a half cents; for all pleasure carriages and harness, one dollar on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every horse kept exclusively for the saddle or pleasure carriage, one dollar; and for every race horse, ten dollars; for every public race track, ten dollars; for every stud horse or jackass, the amount for which said stud or jack may stand by the season; and all neat cattle which may be owned by any one citizen of this state, and for every head of neat cattle owned by any person not a citizen freeholder of this state, over twenty-five head, work oxen excepted, per head two cents; for every billiard table kept for play, four hundred dollars; for every loto or keno table, or any other table kept for gaming, by whatever name it may be called, four hundred dollars; for each license granted to every hawker or pedlar, in each county, twenty-five dollars; and in case any hawker or pedlar shall sell any goods or merchandize without first taking out license and paying for the same, agreeable to the provisions of the law, he shall forfeit and pay the sum of one hundred dollars, to be recovered in any court having competent jurisdiction, one half to the use of the state and the other half to the use of the informer; on all goods sold at auction, other than those which are exempted by law, two per centum on the amount of sales; for every gold watch kept for use, one dollar; for every silver or other watch kept for use, fifty cents; and for every clock kept for use, one dollar; for money loaned at interest, for every hundred dollars, twenty-five cents; on every pack of playing cards sold, given away, loaned, or otherwise disposed of, twenty-five cents.

Sec. 4. *And be it further enacted*, That for every tavern license in any city or town, there shall be paid as tax, twenty dollars; for keeping a house of entertainment in any city or town, without retailing spirituous liquors, fifteen dollars;

Tax on town
property

On merch-
andize

Giving in
the same on
oath

Slaves

Free color'd

White polls

Carriages

Saddle
horse

Race horse

Race track

Stud horse
and jack

Neat cattle

Billiard, lo-
to and keno
table

Hawkers &
pedlars

Penalty

Auction

Watches

Clocks

Money at
interest
Cards

Tavern li-
censes in
town or city

In the coun-
try

To whom
paid

Tax on b'nk
shares

Proviso
Bank not
paying spe-
cie

How pro-
ceeded a-
gainst.

Museum,
wax works,
feats of acti-
vity, slight
of hand and
plays.

on every retailer of spirituous liquors in any city or town, ten dollars; on every retailer of spirituous liquors in the country or on the road or highways, without keeping accommodations for man and horse, ten dollars; and on all houses of public entertainment on the roads and highways, retailing spirituous liquors, five dollars; which tax shall be paid to the clerk issuing the license, and by him, immediately to the tax collectors; and the clerk shall receive for his services the fees heretofore allowed for issuing licenses, and no county tax shall be paid on licenses, except such as may be levied by the county court of such county.

Sec. 5. *And be it further enacted*, That on all shares of bank stock in any bank in this state, held by any individual, partnership or body corporate, there shall be levied and collected yearly a revenue, at the rate of fifty cents on each share of one hundred dollars: *Provided, nevertheless*, That if any bank in this state shall refuse to pay specie for their notes after the first day of August next, then and in that case, there shall be levied and collected an additional tax of fifty cents on each share held as aforesaid in any bank or banks, so refusing to pay specie for their notes; and the president and directors or cashier, on making out their last dividend, for each preceding year, shall return the said amount of taxes, and pay the same into the treasury of this state, and shall produce the treasurer's receipt on or before the second Monday in December in each and every year; and on failure thereof, the president and directors of said bank or any number of them in their corporate capacity, shall pay to the state two thousand dollars; and in case of any such failure, it shall be the duty of the comptroller of public accounts, to direct the solicitor of the circuit in which such defaulting bank or banks may be, to proceed to the recovery of the same, on motion in the circuit court; the said comptroller of public accounts, giving notice in the Cahawba Press, to the said defaulting bank or banks, of motion so to be made, and the certificate of said comptroller shall be deemed and taken as full and sufficient evidence of such default or failure.

Sec. 6. *And be it further enacted*, That every person who shall exhibit or cause to be exhibited for hire or emolument any museum, wax-works, feats of activity, slight of hand or plays, shall first obtain from the clerk of the county court of the county where the same may be exhibited, a license authorising the same, for which the party applying, shall pay to the clerk twenty dollars for the use of the state, together with one dollar as a fee to the clerk for issuing the same, and the clerk shall account for the said tax, in the same manner as he is required to account for taxes collected on retail and tavern licenses: and every person who shall exhibit as aforesaid, without first obtaining such license, shall forfeit and pay the sum of two hundred dollars, to be recovered before any court having competent jurisdiction,

at the suit of said clerk, or any other person in the name of the said clerk; which sum so recovered, shall be paid over as aforesaid, after deducting therefrom one hundred dollars for the use of the person who may sue as aforesaid.

Sec. 7. *And be it further enacted*, That stud horses and jackasses, shall be taxed from and after the first day of May, Stud horses and jackasses to be taxed after 1st of May next. and the assessor shall take the list of those articles in relation to that day; and it shall be the duty of the collector of the revenue to collect the tax on all jackasses and stud horses, which have stood the season in their respective counties, whether they have been listed with the assessor or not, and account for the receipts as other taxes.

Sec. 8. *And be it further enacted*, That when the time shall have expired, within which the taxable property are to be received, it shall be the duty of the assessor of taxes, to ascertain whether there be any lands or town lots within their respective counties sold under the authority of the United States, previously to the first day of September one thousand eight hundred and nineteen, which have not been assessed; and in case any such be found which have not been forfeited, he shall assess the same according to the rate of assessment prescribed by law, on town lots and lands for which a complete title has been obtained, and such lots or lands shall be doubly taxed. Lands sold previous to Sept. 1819, not given in, double taxed.

Sec. 9. *And be it further enacted*, That the collector of taxes in the several counties, shall at the time and in the manner prescribed by law, make distress and sale of the goods and chattels, lands and tenements of all delinquents in making returns of taxable property, or in payment of taxes: and in case of taxes assessed in the manner directed in the preceding section on lands or town lots, to which a complete title has not been obtained, and in which other property sufficient to satisfy the taxes due, together with all costs and charges accruing thereon, cannot be found; it is hereby expressly made the duty of the respective collectors of taxes, to give notice by advertisements, at the door of the court house of the proper county, and at two other public places within the county, that on a certain day (which shall be at least thirty days after the date of each advertisement) he shall at the court house of his county, offer for rent the town lot or lots, or so much of the land (as the case may be,) and for such term as may be necessary to satisfy the taxes due, and costs and charges thereon; and he shall accordingly offer for rent to the highest bidder, until the first day of January succeeding the January immediately ensuing, the town lot or lots, or such portion of the lands, (as the case may be,) and he may designate, beginning in the case of lands, with ten acres or with as much less than ten acres as may be necessary to pay said tax and costs, or by adding ten acres thereto, as often as may be necessary to obtain by such rent a sufficient sum to satisfy taxes and costs; and in case the town lot or lots, or lands Delinquents collectors may sell property. Collector to give notice. Term of rent.

Proviso.

cannot be rented for a sufficient sum on the terms aforesaid, they shall be offered for two years from the first day of January immediately ensuing, or until a complete title to the same shall be produced, or the same shall be forfeited to the United States: *Provided*, that a production of a complete title shall in every case aforesaid, entitle the owner to the possession of the premises upon reimbursing the amount paid for taxes and the charges thereon, to the party, by whom such payment has been made, and saving to the occupant, the crop which may be on the premises: and should the rent in any case exceed the amount of taxes and charges, the right owner of the town lot or lots, or lands. (as the case may be,) shall be entitled to receive the overplus.

Collectors
to convey.

Proviso.

Sec. 10: *And be it further enacted*, That the collectors of taxes respectively, shall, by an instrument of writing, convey to the party renting the premises as aforesaid, the use thereof for and during the time for which they were rented, and shall in addition to the compensation allowed by law, be entitled to receive two dollars, for executing every such instrument of writing; and such instrument conveying the use of the premises as aforesaid, shall be good and sufficient both in law and equity: *Provided*, that whenever the collector shall find the tenant in possession, who may refuse to pay tax, or render possession of the premises which may be thus taxed and unpaid, he shall have full power to proceed, *instantly*, in the same manner as is or may be authorised in cases of forcible entry and detainer; and the refusal of the tenant in possession to render peaceable possession of the premises on demand, shall be considered as evidence of forcible detainer.

Collectors
to make
deed.

Proviso.

Sec. 11. *And be it further enacted*, That the tax collector shall be authorised, and is hereby required to convey by deed, any land he may sell under the provisions of this act, where a complete title has been obtained: *Provided*, the owner or owners of any lands sold for taxes, may redeem the same at any time within twelve months, by the proper owner or owners, or their agents, paying the amount of taxes and costs, paid by the purchaser, with interest at the rate of twenty-five per centum, per annum, from the day of sale, until said redemption and costs.

Persons to
make re-
turns.

Sec. 12. *And be it further enacted*, That if any person shall remove from the county in which he may reside after the first day of April next without returning to the assessor a list of his taxable property, then and in that case, he shall return to the assessor of the county to which he shall remove a list of his taxable property.

Penalties on
billiard, ke-
no and loto
table.

Sec. 13. *And be it further enacted*, That if any person or persons shall by him, her or themselves, or by his, her or their agent, keep or permit to be kept a billiard, keno or loto table for play, or in a situation to be played on, in his, her or their house, or in his, her or their houses, without

first obtaining a license from the county court of the county in which such table may be kept, he, she or they shall forfeit and pay the sum of two thousand dollars, to be recovered in any court having jurisdiction thereof, one half to the person suing for the same, and the other half to the state.

Sec. 14. *And be it further enacted*, That no collector shall be authorised to collect any tax until the assessment shall have been completed, and a list thereof returned to the clerk of the county court of his county. Taxes collected.

Sec. 15. *And be it further enacted*, That in case of the neglect or refusal of any person or persons to give in a list of their town property, it shall be the duty of the assessor to value the same, and the collector shall collect the amount of tax due thereon, in the same manner as if the same had been given in by the owner or owners thereof. Persons refusing to give in a list of town property the assessor shall value the same.

Sec. 16. *And be it further enacted*, That an act passed twenty-seventh December, one thousand eight hundred and twenty-two, entitled an act to raise a revenue for the support of government until otherwise provided by law, be and the same is hereby repealed. Repealing clause.

[Approved, December 25, 1824.]

AN ACT

To confirm the title to sundry purchasers of Lands sold by the Trustees of the University of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the entries of all and every person or persons, who have purchased lands belonging to the University of the state of Alabama, at private sale, since the thirtieth day of December, eighteen hundred and twenty-three, in conformity to the terms prescribed by the act passed on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and twenty-two, be, and the same is hereby confirmed: *Provided*, he, she or they file with the President of the board of trustees of said university, within five months after the passage of this act, his, her or their assent in writing, and a consent to be bound by any bond or writing heretofore given for the payment of the purchase money and interest, of the said bond. Entries of university lands confirmed.

Sec. 2. *And be it further enacted*, That from and after the passage of this act all entries of the lands of the university of Alabama, shall be made on the terms or conditions prescribed by an act passed on the twenty-fourth day of December, eighteen hundred and twenty-two, entitled "An act supplementary to an act to establish a state University." Proviso.

Sec. 3. *And be it further enacted*, That in all cases where lands may have become forfeited, in virtue of the tenth section of the act last before recited, by reason of failure of the purchaser to pay the principal or interest due thereon, the trustees of the university of Alabama shall be authoris- Entries to be made conformable to act of 1822.

ed, at any time after the said forfeiture, and before the said lands shall be again sold by them, to waive the benefit of the said forfeiture on the payment of the amount of principal and interest then due for the said land.

Patents to
be recorded
by clerk of
Dallas co.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said president to have recorded, in the clerk's office of the county of Dallas, within three months after the passage of this act, all and every patent or patents issued by the President of the United States to the trustees of the said university, and that a certified copy of the said record shall be admitted as evidence in any court in this state; and the fees of recording the same be paid out of the funds of the university in the treasury of this state, on the certificate of the Governor.

(Approved, December 25, 1824.)

AN ACT

Authorising and empowering the School Commissioners of the sixteenth Section, fourth Township, and seventh Range in the district of Lands sold at Huntsville, to Lease a small part thereof, for the purpose of having a Mill erected thereon.

Commission-
ers to take
bond.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the agents or school commissioners of the sixteenth section, fourth township, and seventh range west, in the District of lands offered for sale at Huntsville, or their successors in office, be, and they are hereby authorised and empowered to lease for any length of time not exceeding the term of ten years, any part of said sixteenth section, not exceeding six acres, lying contiguous or near to some one of the sources of Spring Creek, for the purpose of having a grist mill erected thereon: *Provided, nevertheless*, that said agents or commissioners before permitting any person or persons to take possession of any part of said sixteenth section, for the purpose aforesaid, shall take from such person or persons with whom they may contract, a bond with at least two good and sufficient securities, in the sum of at least five thousand dollars, payable to themselves as school commissioners of said sixteenth section and their successors in office, conditioned for the erection of a grist mill on said sixteenth section, of the description they may contract for, and for the delivery of the mill at the expiration of the lease to those who may at the time be school commissioners for said sixteenth section, in a state of good repair; which bond shall be filed in the clerk's office of the county court of Lawrence county.

Penalty for
non-compli-
ance with
bond.

Sec. 2. *And be it further enacted by the authority aforesaid*, That upon failure to comply with the condition annexed to such bond, it shall be the duty of those who at the time of such breach, shall be school commissioners of said sixteenth section, or their successors in office, to cause suit to be instituted thereon, for the benefit of the inhabitants of the township mentioned in the first section of this act.

(Approved, December 22, 1824.)

AN ACT

To amend an act entitled "An act to prevent the frauds and fraudulent combinations in the sales of public lands, within this state," passed at Huntsville on the 17th December, 1819.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That hereafter in all prosecutions under the act that this is intended to amend, testimony shall be admissable under no other restriction than is lawful in other criminal prosecutions within this state.

Testimony
admissable.

Sec. 2. *And be it further enacted,* That the proviso of the fifth section of the act, that this is intended to amend, is hereby repealed.

Proviso re-
pealed.

Sec. 3. *And be it further enacted,* That the provisions of the above recited act, shall be given in charge to the grand juries, by the judges at their respective circuit courts in this state.

Judges to
charge the
grand jury.

Sec. 4. *And be it further enacted,* That in all cases whatsoever, where any suit or action shall be brought in any court of record in this state, touching or concerning any specialty, promise or agreement, made in writing or otherwise, to pay money, or any other thing contrary to the provisions of the before mentioned act, every person who may be a party or concerned in any way in the same, shall be a good and lawful witness to give evidence of the consideration and execution of any such bond, specialty promise or agreement as aforesaid, *Provided,* however, if any person against whom such evidence is offered to be given will deny upon oath, to be administered in open court, the truth of what such witness offers to swear; then and in every such case other and additional testimony shall be required.

Party con-
cerned may
give evid-
ence.

Sec. 5. *And be it further enacted,* That the circuit courts in this state, shall have jurisdiction of all offences in violation of, and contrary to the provisions of the act that this is intended to amend, and if any witness or party as aforesaid, shall forswear him or herself in any such matter, and be thereof lawfully convicted, he or she so convicted, shall suffer the pains and penalties by law inflicted on persons convicted of wilful and corrupt perjury.

Perjury lia-
ble to the
penalties of
existing
laws.

(Approved, December, 1824.)

AN ACT

To provide for compensating the Electors for President and Vice-President of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the electors in this state for President and Vice-President of the United States, be entitled, and each elector is hereby authorised to receive four dollars for every days necessary attendance at the seat of government, and four dollars for every twenty miles travelling to and from the same, and in that proportion for a shorter distance, to be paid out of any monies in the treasury, not otherwise appropriated.

[Approved, December 22, 1824.]

AN ACT

For the relief of George A. Glover, Assessor and Tax Collector of Lawrence County, for the year 1823.

Whereas it appears from an order of the commissioners court of Lawrence county, at the May term, 1824, of said court, that the taxes due to this state for the year 1823 in said county from insolvent persons, amounted to the sum of one hundred and one dollars and sixty-two and a half cents; and whereas it appears from the certificate of the comptroller, that a judgment has been obtained against George A. Glover, assessor and tax collector of said county, for the year aforesaid, in favor of this state, including the aforesaid sum of money with fifteen per cent damages thereon, which said judgment has been satisfied by the said George A. Glover. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of this state be, and he is hereby directed to issue his warrant on the treasurer of this state, in favor of the said George A. Glover, for the aforesaid sum of one hundred and one dollars and sixty-two and a half cents, and the aforesaid fifteen per cent thereon, to be paid out of any money in the treasury not otherwise appropriated.

[Approved, December 10, 1824.]

AN ACT

To prevent the commission of Trespasses on the Lands vested in the Trustees of the University of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That if any person or persons, shall hereafter unlawfully enter upon and cut down, carry away or destroy any tree or trees, on any of the lands vested by law in the trustees of the University of the state of Alabama, every such person or persons being lawfully convicted thereof before a justice of the peace, shall forfeit and pay the said trustees the sum of ten dollars for every tree so cut down, carried away or destroyed, and moreover shall be committed to the jail of the county in which such offence has been committed, there to remain until he or they shall pay the fine and costs assessed against him or them, unless such person or persons so convicted, shall execute to the said justice a bond with good security, payable to the trustees for the amount assessed as aforesaid within fourteen days thereafter, which said bond with security, shall have the effect of a judgment; and provided the same should not be punctually paid, it shall be the duty of such justice to issue an execution thereon against such obligor or obligees, and their securities or their executors or administrators jointly; and all money received by such justice in pursuance of the provisions of this act, shall be paid over by the said justice or his successors in office, as the case may be, to the trustees of the university of Alabama.

Persons committing trespasses liable to severe penalties.

Fines collected to be paid over to trustees.

Sec. 2. *And be it further enacted*, That if any person or persons shall unlawfully enter upon and destroy or remove any improvements, situate on the lands vested as aforesaid in the trustees of the University of Alabama, or unlawfully enter upon and commit any trespass or trespasses not provided for by the first section of this act, such person or persons so unlawfully entering upon and destroying, or removing such improvement, or committing such trespass or trespasses, shall be proceeded against and punished in the manner as described by the fifth section of an act, passed the eighth day of December, eighteen hundred and twenty, entitled, "An act to establish a state university."

Trespasses on improvements punishable.

Sec. 3. *And be it further enacted*, That the trustees aforesaid, shall have power to appoint such number of persons as they may deem expedient residing near the said lands for the purpose of protecting the same from trespasses, and to make them a reasonable compensation. This act shall commence and be in force from and after the passage thereof.

Trustees may appoint agents to oversee.

(Approved, December 25, 1824.)

AN ACT

Amendatory to an act concerning Divorce, passed December 21st, 1820.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from the passage of this act, where a marriage hath been heretofore, or shall be hereafter contracted, and celebrated between any two persons, and it shall be adjudged that either party at the time of the contract, was and still is naturally impotent, or that either party has separated him or herself from the other, and is living in adultery with another person, or when either party may have been absent from the other for the space of seven years, with intention of abandonment, in every such case, and in such cases only, it shall and may be lawful for the injured person to obtain, in the manner heretofore provided by law, a divorce from the bonds of matrimony.

Such cases as will authorise a divorce.

Sec. 2. *And be it further enacted*, That if it shall appear that the complainant has been guilty of adultery, and has admitted the defendant into conjugal society or embraces, after he or she knew of the criminal fact, or that the said plaintiff (if the husband) allowed of his wife's prostitution, it shall be a bar against a divorce for such previous misconduct.

Bar against divorce.

Sec. 3. *And be it further enacted*, That in all cases where both parties shall be guilty of adultery, it shall be a bar to a divorce.

Sec. 4. *And be it further enacted*, That in order to prevent collision between the parties, in no case shall the confession of them, or either of them be taken or received as evidence in any case of divorce.

Sec. 5. *And be it further enacted*, That in no case of divorce, shall the party against whom such divorce may be

In certain cases an after marriage void.

granted, or who may have been guilty of any of the offences upon which such divorce may have been granted, be allowed to marry again; and in case the said party shall marry again, such marriage is hereby declared null and void; and the party so marrying again, shall be liable to such penalties as are prescribed for the crime of adultery.

Sec. 6. *And be it further enacted*, That no person shall be permitted to commence a suit in chancery for a divorce until he or she shall have been an inhabitant of this state at least three years immediately preceding.

Divorce may be given by Circuit courts final.

Sec. 7. *And be it further enacted*, That divorce from bed and board may be granted for extreme cruelty in either of the parties, on the application of the party aggrieved by the same proceedings in the circuit court of the county, in which the complainant may reside, as are or may be required by law to be had on bills praying divorce from the bonds of matrimony, and that the divorce of such circuit court shall be final.

Sec. 8. *And be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby repealed.

[Approved, December 23, 1824.]

AN ACT

For the relief of Charles Pearson.

Whereas, from the certificate of the comptroller of public accounts, it appears that Charles Pearson, collector of Lawrence county for the year eighteen hundred and twenty-two, made a mistake against himself of one hundred and twenty dollars twenty-eight and a fourth cents, in the addition of the tax list by him returned to said comptroller's office for that year:

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the Comptroller of public accounts, be, and he is hereby authorised and required to issue his warrant in favor of said Charles Pearson, collector of Lawrence county for the year eighteen hundred and twenty-two, for the sum of one hundred and twenty dollars twenty-eight and a fourth cents, together with two years interest thereon.

[Approved, December 14, 1824.]

AN ACT

For the relief of Abel Penington.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the payment of the balance of the judgment obtained by the comptroller of public accounts in behalf of the state against Abel Penington, in Tuscaloosa circuit court, shall be suspended from execution until the second Monday in December, 1825, *Provided*, the said Abel Penington, shall execute a deed of trust, on good and substantial property by way of security, and of an ample sufficient amount to be approved of by the solicitor of the third judi-

cial circuit, well and truly to pay the said judgment at the time aforesaid.

Sec. 2. *And be it further enacted*, That the relief hereby granted, shall in no wise impair or effect the said judgment, but on failure to comply with the conditions of this act, execution may issue thereon, and the same shall remain as if this act had never passed.

Sec. 3. *And be it further enacted*, That the above named deed, shall be executed to the auditor of public accounts, for the benefit of the state.

(Approved, December 4, 1824.)

AN ACT

Divorcing Sarah R. Swansey from James N. Swansey.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That, in conformity with a decree of the circuit court of Franklin county, exercising chancery jurisdiction, pronounced at October term, in the year of our Lord one thousand eight hundred and twenty-four, the bands of matrimony heretofore solemnized and subsisting between Sarah R. Swansey and her husband, James N. Swansey, be, and the same are hereby annulled and made void; and that the said Sarah R. Swansey be henceforth divorced from the said James N. Swansey.

(Approved, December 14, 1824.)

AN ACT

Divorcing Abraham Beadle, from Letitia Beadle.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Madison county, exercising chancery jurisdiction pronounced at November term, one thousand eight hundred and twenty-four, the bands of matrimony heretofore solemnized and subsisting between Abraham Beadle, and Letitia Beadle, be, and the same are hereby annulled and made void, and that the said Abraham Beadle, be henceforth divorced from the said Letitia Beadle.

[Approved, December 14, 1824.]

AN ACT

Altering the sale days of Lands and Slaves in parts of counties of Lawrence and Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the first day of January next lands and slaves levied on by execution north of the line which divides townships numbered five and six in the counties of Lawrence and Franklin in this state, and which by the existing laws are required to be sold on the sale days now fixed by law for the sale of such property in other counties, shall be sold on the second Monday and the following Tuesday and Wednesday in every month, and not otherwise at the places in said counties of Lawrence and Franklin res-

pectively directed by the provisions of an act entitled an act to provide for the sale of lands and slaves in the towns of Courtland and Tusculumbia in certain cases, passed December thirty-first, eighteen hundred and twenty-three.

Sec. 2. And be it further enacted, That so much of the provisions of the above recited act, as contravene the provisions of this act be, and the same is hereby repealed.

[Approved, December 23, 1824.]

AN ACT

To alter the place of selling Lands and Negroes by the Sheriff of Bibb County, in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That hereafter, it shall be the duty of the sheriff of Bibb county, to sell such lands and negroes as he may levy on, on the west side of Cahawba river, at the town of Centreville.

Sec. 2. And be it further enacted, That the constables in and for the county of Bibb, shall be regulated in their sales by the provisions of the first section of this act.

Sec. 3. And be it further enacted, That all acts and parts of acts contravening the provisions of this act, be, and the same is hereby repealed.

(Approved, December 22, 1824.)

AN ACT

Authorising the location and sale of certain quarter sections of Land, granted by Congress to the several counties of this state, for seats of justice.

Preamble.

Whereas the Congress of the United States, did at the last session thereof, pass an act granting to the several counties or parishes of each state and territory where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter section of land in each of the counties or parishes of said states and territories, in trust for said counties or parishes respectively, for the establishment of seats of justice therein, upon condition, that the proceeds of the sale of each of said quarter sections should be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same, and upon further condition, that the seat of justice for said counties or parishes, respectively, should be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located:

County c't
appointed
commiss'rs
to select.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the judge of the county court and the commissioners of revenue and roads of each and every county of this state, which may be entitled to the benefit of the said act of Congress of the United States, be, and they are hereby appointed commissioners in their respective counties

for locating the afore-recited quarter sections of land, and for disposing of the same in such manner and upon such terms and conditions as they may deem most expedient for carrying into effect the purpose of the grant.

Sec. 2. *And be it further enacted*, That the said commissioners, be, and they are hereby further authorised and empowered to make such deeds of conveyance of the whole or any part of such quarter sections of land as they may deem expedient and proper, which shall be binding and valid in law; and the county treasurer of each and every county aforesaid, is also hereby empowered to sue for and recover, in his official capacity all such sums of money as may become due and payable to the aforesaid counties, for or on account of the sale or sales of such quarter sections of land or of any part thereof: *Provided*, That nothing herein contained, shall be so construed as to extend to the counties of Shelby, Bibb, Tuscaloosa, Pickens, Jefferson, Blount, Morgan, St. Clair, Jackson and Greene.

Comm'rs to
make title.

Sec. 3. *And be it further enacted*, That the judge and commissioners aforesaid, shall be authorised to draw from the county treasury such sum or sums of money as shall be sufficient to pay for said quarter section of land.

(Approved, December 24, 1824.)

AN ACT

Appointing Agents to select a certain quarter section of land for the county of Shelby, and other counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Samuel Nabors, William Camron and Henry B. Robison be, and they are hereby appointed agents, to select one quarter section of land, within and for the said county of Shelby in pursuance to an act of Congress, passed May the twenty-sixth, eighteen hundred and twenty-four, granting to the counties and parishes of each state and territory, in the United States, where the public lands are situated, pre-emption rights to one quarter section of land in trust for the said counties and parishes, respectively, for the establishment of seats of justice therein.

Shelby city
agents.

Sec. 2. *And be it further enacted*, That it shall be made the duty of the said agents, or any two of them, as soon as they may be to select and obtain titles to the said quarter section of land, in conformity to the act of Congress aforesaid.

Make selections.

Sec. 3. *And be it further enacted*, That the said agents shall so soon as they obtain legal titles to the said quarter section of land, proceed to offer the same for sale, in such manner as they may think advisable and best calculated to promote the true interests of the said county, and shall be, and they are hereby authorised and empowered to make titles to the same.

Offer for
sale.

Sec. 4. *And be it further enacted*, That the said agents or any one of them, are hereby authorised to procure by loan, or otherwise the amount of money necessary to pay for and

Procure
loan,

obtain titles to the said quarter section of land, and that they are hereby authorised to retain so much of the money arising from the sale of the said land, as may be sufficient to discharge the principal and interest procured by the agents for the purposes aforesaid.

Pay over
proceeds of
sale.

Sec. 5. *And be it further enacted*, That it shall be the duty of the said agents, to pay into the county treasury of the said county all monies arising from the sale of the said land, after retaining the purchase money aforesaid, to be applied to the use of erecting the public buildings, in the said county of Shelby.

Compensa-
tion & oath
of agents.

Sec. 6. *And be it further enacted*, That the said agents shall be entitled to receive as compensation for their trouble, in selecting and selling the said quarter section of land, five per centum, upon the whole amount of sales, *provided*, that the said agents, shall, before they enter upon the discharge of the duties herein assigned them, take and subscribe the following oath, (to wit,) that I, do solemnly swear, or affirm, (as the case may be,) that I will well, and faithfully discharge all the duties herein assigned me, to the best of my abilities, so help me God; which oath shall be filed away in the clerk's office of the county court in the said county of Shelby.

Blount.

Sec. 7. *And be it further enacted*, That Patrick Scott, Daniel Murphy, William Nichols, Thomas A. Williams, and Elijah Cowden, be, and they are hereby appointed agents for the county of Blount, for the same purposes, with the same powers, restrictions and limitations, as are provided for in the preceding sections of this act, appointing agents for the county of Shelby.

Bibb.

Sec. 8. *And be it further enacted*, That John Hunt, James Moore, and William White, be, and they are hereby appointed agents for the county of Bibb, to select a quarter section of land in the county of Bibb in pursuance to the above recited act of Congress under the same rules, and restrictions, as are provided for in the preceding sections of this act.

Duty of a-
gents.

Sec. 9. *And be it further enacted*, That it shall be the duty of the said agents, so soon as they receive a legal title to the said land, to proceed to lay off a part of the same, into such parcels or lots as they may think proper, and offer the same for sale in such manner, giving such notice, as they may deem expedient, and to dispose of the remainder of the said land, in such manner as may be best calculated to promote the true interest of the said county of Bibb; and that the said agents, are hereby authorised and empowered to convey, and make titles, to the said land sold by them as aforesaid.

Sec. 10. *And be it further enacted*, That the selection aforesaid, shall be made at or as near the centre of the said county of Bibb, as an eligible site, may be had; *Provided* the said agents shall not be at liberty to select any site, or

quarter section of land more than four miles distant from the centre of the said county ; which centre, shall be found as near as may be by the said agents.

Sec. 11. *And be it further enacted*, That the quarter section of land selected as aforesaid, shall be the permanent seat of justice for the said county of Bibb. Bibb co'ty.

Sec. 12. *And be it further enacted*, That the money arising from the sale of the said lands, shall after defraying all expenses as provided for in the above act, to which this is an amendment, be applied to the erecting the public buildings in the said county of Bibb.

Sec. 13. *And be it further enacted*, That the said agents are hereby authorized and required to contract for the building of the public buildings in the said county, as soon as may be: *Provided*, the said agents, before they enter upon the duties herein assigned them, shall take and subscribe the oath prescribed in the above act, to which this is an amendment: *Provided, also*, That the temporary seat of justice, for the county of Bibb, shall be the place of holding courts until the agents aforesaid report the court house established under this act in readiness, to the judge of the county court. Public buildings.

Sec. 14. *And be it further enacted*, That in case the agents appointed for the counties of Shelby, Bibb, Tuscaloosa, Pickens and St. Clair, should die, remove, or resign, or in any way refuse to act, then, and in that case, it shall be the duty of the judge of the county court for the respective counties to proceed to appoint other agents to fill such vacancy, under the same rule and restrictions, as prescribed in this act, for the appointment of the agents aforesaid. Mode of filling vacancy of agents.

Sec. 15. *And be it further enacted*, That Stephen Hall, Lawrence S. Slaughter, Robert Eubank, Isaac Brown, Esq. and John Smith, Esq. be, and they are hereby appointed agents in and for the county of Jefferson, for the same purposes, with the same powers, restrictions and limitations as are provided for in the preceding sections of this act, for the agents for the county of Shelby: *Provided, nevertheless*, That a majority of the said agents for the county of Jefferson shall be in any case allowed to act, and that in the event of the death, resignation, removal, or refusal to act, of any of the before named agents for the county of Jefferson, then and in that case the remainder of the agents shall have power to fill up the vacancies, which shall be certified up to the clerk of the county court, under their hands and seals; and the said agents for the county of Jefferson shall have power to appoint a treasurer, under such regulations and restrictions as they may think proper to prescribe. Jefferson county.

Sec. 16. *And be it further enacted*, That John L. Tindall, Thomas Williams, Garland Hadwick, Thomas Hogg, and William H. Terrell, be, and they are hereby appointed agents for the county of Tuscaloosa; and Hugh Harrison, James Hepling, J. G. Morris, James Newman, and Joel Huley, for the county of Pickens, for the same purposes, with the Tuscaloosa and Pickens counties.

same powers, restrictions, and limitations, in their respective counties, as are provided for in the preceding sections of this act, appointing agents for the county of Shelby.

Morgan c'ty

Sec. 17. *And be it further enacted*, That Thomas M'El-derry, Joseph Turney, John M'Kenzie, Drury Stovall, and M'Kinney Holderness, be, and they are hereby appointed agents in and for the county of Morgan, for the same purposes, with the same powers, restrictions, and limitations, as are provided for in the preceding sections of this act for the agents for the county of Shelby: *Provided, nevertheless*, That a majority of the said agents for the county of Morgan shall be in any case allowed to act, and that in the event of the death, resignation, removal, or refusal to act, of any of the before named agents for the county of Morgan, then, and in that case, the remainder of the agents shall have power to fill up the vacancies, which shall be certified up to the clerk of the county court, under their hands and seals, and the said agents for the county of Morgan shall have power to appoint a treasurer, under such regulations and restrictions as they may think proper to prescribe.

St. Clair.

Sec. 18. *And be it further enacted*, That John Massey, Amos Roling, and Moses Leister, be, and they are hereby appointed agents for the county of St. Clair, for the same purposes, subject to the same restrictions and limitations as the agents appointed under this act, for the counties of Shelby and Blount, possessing the same powers and privileges.

Greene.

Sec. 19. *And be it further enacted*, That Dabney M'Ghee, Alexander M'Calpin and E. Clements, be, and they are hereby appointed agents for the county of Greene, who shall select a quarter section of land for said county, under the same rules and regulations as prescribed in this act, for the government of the agents in the county of Shelby; and said agents for the county of Greene shall have power and authority to draw on the county treasury of said county for such sum or sums of money, as may be necessary to procure said quarter section of land, for the benefit of the county aforesaid.

Sec. 20. *And be it further enacted*, That in case of the death or refusal to act of any of the aforesaid commissioners, the judge of the county court shall fill such vacancy.

(Approved, December 15, 1824.)

AN ACT

To alter and amend the Charter of Incorporation of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the inhabitants of the town of Mobile, be constituted a body politic and corporate, by the name of the Mayor and Aldermen of the City of Mobile, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, not exceeding at any one time five hundred

thousand dollars, or dispose of the same for the benefit of the said city; and may borrow and loan money for the benefit of the said city, and may have and use a city seal, which may be broken or altered at pleasure.

Sec. 2. *And be it further enacted*, That the limits or boundaries of the city of Mobile, shall be as follows: Commencing at the north bank of bayou Chataugue at its mouth, thence running east to the east bank of Spanish river; thence down the east bank of said river, to the extreme southern point of the island; thence south, to a point which will intersect the south boundary of township numbered four; thence west to a point whence a north line will strike the bayou Chataugue at the old portage, thence down the left bank of said bayou, to the place of beginning.

City boundaries.

Sec. 3. *And be it farther enacted*, That the said mayor and aldermen, shall have full power to appoint a clerk to the corporation, a treasurer, and inspector or inspectors of streets, lanes, and alleys, fences, yards and all out-houses; as many public constables as may be necessary; three assessors, a collector of taxes; an attorney to the corporation, a city marshal, and all other officers necessary to carry into effect this incorporation.

Appoint officers.

Sec. 4. *And be it further enacted*, That the said corporation of the city of Mobile, consisting of a mayor and aldermen, shall be constituted of seven members residents of the city, over the age of twenty-one years, and each of whom shall be possessed of a freehold estate, within the limits of said city; the said aldermen to be elected annually by ballot in a general ticket, by the free white male inhabitants of the age of twenty-one years, being freeholders, within the city, or who have resided in the city twelve months, and paid taxes therein the year preceding that in which the election shall be held, and have rented a tenement, or separate room, six months immediately preceding the election: The mayor and aldermen for the time being, shall appoint three inspectors or judges, to preside at the election of aldermen, whose certificate stating the number of votes taken, and who are the seven highest on the list, and said certificate being filed with the clerk of the mayor and aldermen of the said city of Mobile, shall be conclusive as to those who are elected aldermen for said city. And the said inspectors or judges shall have full power and authority to keep order at the place of holding said elections, and to commit to the jail of the county, for a term not exceeding forty-eight hours, any person who shall attempt to make, or make any disturbance at the place of holding the elections, so as to interfere with the peaceable and orderly conducting of said elections; And the sheriff of the county of Mobile, the city marshal, and the police constables appointed by the mayor and aldermen of the city of Mobile, are hereby commanded to obey and carry into execution all process issued by the said judges or inspectors as aforesaid, in pursuance of this act: And the said judges or inspectors shall give ten days public notice, by advertising in some public newspaper printed within said city of Mobile, or by posting up such notice, in two or more of the most public places within said city, of the time and place of holding said elections, which said place must be within the incorporated limits of the city of Mobile; and if there should be an equal number of votes between any two persons or more, who shall be voted for at the regular elections for aldermen so as to prevent the election of the whole number designated by this act, the said judges and inspectors shall declare the fact; and issue notice for a new

Qualifications for aldermen.

Judges of elections.

Powers.

Notice of elections.



election, in the same mode as for the regular election, to supply the places of those who may have an equal number of votes; and in case of the death, continued absence of four months, resignation or removal of any one who shall be elected alderman, an election in the mode prescribed by this act, shall take place to supply the vacancy:

Time of election.

That the said election for aldermen, shall take place on the second Monday in August in each and every year, and that in three days subsequent to each election, each person who shall be elected, shall

Oath of aldermen.

take the following oath, before any justice of the peace, or judge of any court within the county of Mobile. I, do solemnly swear, that I will truly execute the duties of alderman as prescribed by the act, incorporating the city of Mobile. And that immediately after the said oath shall be taken, the said aldermen shall meet at some convenient place, within the incorporated limits of the said city of Mobile, and there organize, and by vote *viva voce*, shall proceed to elect a mayor from their number, and he who shall have the highest number of votes, shall be declared mayor for the succeeding year; and that four members present shall constitute a quorum to do business.

Polls open.

Sec. 5. *And be it further enacted*, That the polls for said election for aldermen, shall be kept open from eight o'clock in the morning, until four o'clock in the evening, and no longer, for the reception of ballots; and on closing the polls, the judges shall proceed immediately, and in a public manner to count the ballots, and when the certificate of the said judges or inspectors as aforesaid, shall be as aforesaid filed, the clerk with whom the said certificate shall be filed, shall immediately give a written notice to each person, certified of his having been elected as aforesaid.

Meetings and proceedings.

Sec. 6. *And be it further enacted*, That the said mayor and aldermen, or a majority of them, shall have power to adjourn their meeting from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of holding such meetings: they shall keep a journal of their proceedings, and enter the yeas and nays on any question, resolve or ordinance, at the request of any member, and their deliberations shall be public.

Make by-laws

Sec. 7. *And be it further enacted*, That the mayor and aldermen aforesaid, or a majority of those present, shall have full power and authority to pass all by-laws and ordinances, to regulate the stationing, anchorage and mooring of vessels within their jurisdiction, to prevent and remove nuisances, to prevent the introduction of contagious or infectious diseases within the said city, by regulating the approach of vessels having sick on board, and the landing of the sick, or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever, to establish night watches or patrols, and erect lamps, to provide for licensing and regulating retailers of liquors, within the limits of the said incorporation, and the annulling the same on good and sufficient complaint being made against any person holding such license; for the regulating hackney carriages, wagons, carts and drays, and for licensing the same and for the regulating of pawn brokers within the said city; to restrain or prohibit gambling, and to provide for licensing and regulating theatrical and other public amusements within the city; to regulate and establish markets, and to rent out the stalls in the same, saving and reserving however, at least two stalls in each and every market for the use of country people, who may attend the same with marketable supplies,

and to prohibit the selling of meats, poultry, fish or game, except at the public market or markets; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same; to provide for the licensing chimney-sweepers, and regulating the sweeping of chimnies, and fixing the rates thereof; to establish and regulate fire wards and fire companies; to sink wells, and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures, for the breach of their ordinances or by-laws; to enact by-laws for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences for the prevention of the spreading of the same; to erect or establish hospitals or pest houses, work houses, houses of correction, penitentiary and other buildings for the use of the city; or to join with the county of Mobile in the erection of the same; and to have a joint control over the same, with the public authorities of the county; and to levy and collect taxes as prescribed by this act for defraying the expenses thereof, and of all other necessary purposes; to regulate party and other fences, and determine by whom the same shall be made and kept in repair; to restrain and prohibit the nightly and other meetings, or disorderly assemblies of slaves, free negroes and mulattoes; and to punish such slaves by whipping, not exceeding twenty stripes, and to punish such free negroes and mulattoes, and other persons for such offences, by fixing penalties not exceeding fifty dollars, for any one offence, and in the case of the inability of such free negro or mulatto or other person, to pay and satisfy any such penalty and cost thereon, to cause such free negro, mulatto or other person to be confined to labor, for such a reasonable time, not exceeding three calendar months for any one offence, as may be deemed equivalent to such penalty and costs; which said labor shall be such as shall be designated by the said mayor and aldermen, for the general benefit of the said city; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable course of business, or employment in the city; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behaviour, publicly in the streets, and all public prostitutes, or such as lead a notorious, lewd or lascivious course of life, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support, and in any case of their refusal or inability to give such security, to cause them to be confined to labor, for a limited time, not exceeding four calendar months, unless such security shall sooner be given; which said labor shall be such as shall be designated by the said mayor and aldermen, for the general benefit of the said city; and that the labor so designated by the mayor and aldermen may be carried into effect, they shall have power to appoint a person or persons, to take those so confined and sentenced to labor from their place of confinement to the place appointed for their working, and watch them while at labor, and return them before sundown to the place of confinement; and if they shall be found afterwards offending, such security may again be required, and for want thereof, the like proceedings may again be had from time to time, as often as may be necessary; to take care of, preserve, re-

Inflict penalties.

To license
bakers and
regulate
weights, &c

move, designate and regulate all burying grounds within the city ; to license bakers and regulate the weight and price of bread, and prohibit the baking for sale, except by those licensed : The said mayor and aldermen shall have power to regulate weights and measures ; appoint inspectors of lumber, fire wood, flour, beef, pork, fish, and all other salt provisions ; and to pass all other by-laws, ordinances and regulations for the good government of the said city, not contravening the laws of the state of Alabama.

Aldermen
ex-officio
justices.

Shall elect
officers.

Duty and
compensation
of mayor.

Sec. 8. *And be it further enacted*, That the said mayor, before he enters on the duties of his office, shall take an oath, or affirmation, in the presence of the board of aldermen, lawfully to execute the duties of his office, to the best of his skill and judgment, without favor or partiality : And the said mayor and each of the said aldermen shall, *ex-officio*, have and exercise the powers of a justice of the peace, within the city of Mobile ; so far only as it relates to carrying into effect all the ordinances, by-laws, and regulations of the said corporation. The said mayor and board of aldermen, shall elect by ballot all officers recognised by this act, except those otherwise provided for ; and any such officers shall be removed from office on the concurrent remonstrance of two-thirds of the aldermen : the said mayor shall also see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the board of aldermen ; he shall lay before the board of aldermen from time to time, in writing, such alterations in the laws of the corporation as he shall deem necessary or proper, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the board of aldermen, which shall neither be increased nor diminished during the period for which he shall have been elected. In case of the refusal of any alderman to accept the office of mayor, upon his election thereto, or of his death, resignation, inability, or removal from the city, the said board of aldermen shall elect another in his place, to serve the remainder of the year.

City taxes.

Sec. 9. *And be it further enacted*, That the said mayor and aldermen shall have power to lay taxes on both the personal and real estate, within the said city, as well as a poll tax upon all the inhabitants : *Provided*, That the said tax, upon the personal and real estate, be laid in pursuance of an assessment and valuation of the said personal and real estate, to be made by some discreet person or persons thereto appointed as assessor or assessors, by the said corporation, and which tax shall be laid in the manner following : The said assessment or valuation when completed, containing all the property as well as the names of the owners thereof, shall be lodged with the clerk of the corporation, and the mayor and aldermen shall assess so many cents on the dollar, making no distinction as to any person ; and which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open to inspection to all and every person interested therein ; and the mayor and aldermen shall give ten days public notice in some public newspaper printed within the limits of the city of Mobile, that the said assessment or valuation, together with the tax laid thereon, is ready for inspection : And if any person shall be dissatisfied with the said assessment or valuation, or tax laid thereon, shall give notice to the mayor, and the said mayor shall convene the board of aldermen and give notice to the dissatisfied person or persons of the meeting, who shall have liberty to appear and be heard, before the said

meeting, touching his objections; and the said mayor and aldermen shall take into consideration the objections so to be made, and shall have power to alter the assessment or valuation, together with the tax assessed thereon, as to them shall seem meet; but their decision shall be final as to all questions or objections that may be brought before them, in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid; and after twenty days have elapsed from giving the notice that the said valuation or assessment, together with the tax assessed thereon, as aforesaid, are ready for public inspection, the said mayor shall make out a tax list, annexed to which shall be a warrant, directed to the collector of the corporation, containing a description of the real estate taxed, together with its valuation, and the tax assessed thereon, and also the amount of personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a poll tax, with the amount of such poll tax laid: and it shall be the duty of the said collector to call on each person so taxed, if they can be found within the city, and leave a written notice of the amount of taxes due by such respective individual; and if within six days after the said notice shall have been left with the said individual as aforesaid, the said tax shall not be paid, the said collector shall proceed to distrain the personal property of said individual by virtue of said warrant, and to advertise the same for sale, by giving six days public notice, in some public newspaper printed within the city, to the highest bidder, at public auction: and if there be any overplus money, after paying the tax and costs of seizure and sale, the said overplus shall be returned to the said person whose personal property was seized and sold; and if the taxes on any real estate shall remain unpaid for the space of ten days after the delivery of the tax list to the said collector, the said collector shall proceed to publish a description list of the said real estate, together with the names of the owners, if known, as well as the valuation of the said real estate, together with the tax assessed thereon, for the space of two months, in some public newspaper printed within the limits of the said city; and if at the expiration of the said two months, the tax shall remain unpaid, the collector shall return the same to the clerk of the corporation, and the mayor of the said corporation shall give one month public notice, by publishing in some public newspaper printed within the limits of the said city of Mobile, that the said real estate, or so much thereof as may be necessary to satisfy the tax or taxes so remaining unpaid, will be leased and let at public auction, to the highest bidder, for such term of time as may be necessary to satisfy the said tax. And the said mayor is hereby empowered to convey the said real estate so leased or let to the highest bidder, by conveyances good and sufficient in law: and the said collector in twenty days after the said warrant and tax list as aforesaid shall have been delivered to him, shall make return of his proceedings thereon, and pay over all monies collected by him to the treasurer of the said corporation, retaining so much as shall be allowed by the said mayor and aldermen as a compensation for his services, and shall receive a receipt from the said treasurer for the same; and at the expiration of the necessary notice as to the real estate on which taxes shall remain unpaid, the said collector shall return his warrant to the clerk of the said corporation, together with a specific return of his proceedings thereon: and further, the said taxes when collected and paid in, shall be appropriated by the said mayor and aldermen, for the benefit and improvement of the said city, and the comfort, con-

Mayor, &c.
may alter
assessment.

Mode of col-
lecting city
taxes.

venience and safety of the inhabitants thereof: *Provided, nevertheless,* That the taxes so to be levied and collected, shall not exceed, in any one year, forty cents for every hundred dollars worth of property.

Physicians
to give opi-
nion as to
contagion.

Sec. 10. *And be it further enacted,* That all physicians who may be appointed by the said mayor and aldermen to carry into effect their ordinances in reference to the preservation of the health of the said city of Mobile, shall be obliged to give their opinions in writing, when thereto requested by the said mayor and aldermen, touching any contagious or malignant fever, prevailing within the said limits of the city of Mobile; or any disease, matter or thing, which affects the health or lives of the inhabitants of said city.

For breach
of by-laws
how proceed-
ed against

Sec. 11. *And be it further enacted,* That the said mayor or either of the said aldermen, shall issue his process as justice of the peace for the city of Mobile, for all offences committed under this act, and for a breach of all or any of the by-laws and ordinances of the said corporation, to the marshal or police constables, appointed by the said corporation, who shall bring the offenders, in pursuance of the said process, before the said mayor or said alderman, as aforesaid; and the said mayor or the alderman who may have issued the said process, shall proceed to try the offenders, and examine all witnesses that may appear or be subpoenaed before him, both on the part of the corporation and the delinquent, and give judgment as to him shall appear just and legal; and shall receive the same compensation for the same, as other justices of the peace for like duties; and if the said person or persons who may be brought before the said mayor or the said alderman, shall be dissatisfied with the decision of the said mayor, or the said alderman, he, she or they may forthwith appeal to the circuit court of Mobile county, in all cases where the judgment shall exceed twenty dollars; and the said person or persons shall give a bond, with good and sufficient security, to pay and satisfy the judgment with costs, in case the said judgment of the said mayor, or said alderman, should be affirmed by the said circuit court, together with five dollars additional costs, and the proceedings thereon shall be as are prescribed by law in other cases of appeal.

Compensa-
sation.

Sec. 12. *And be it further enacted,* That the said mayor and aldermen shall have power to fix the compensation of all officers under this act, to be by them appointed.

Collector,
&c. to give
bond.

Sec. 13. *And be it further enacted,* That the said marshal, collector, constables and treasurer, appointed by the mayor and aldermen, before they enter on the duties of their respective offices, shall give bonds with good security to the said mayor and aldermen, in the penalty of five thousand dollars, conditioned for the true and faithful performance of the duties of their respective offices; and which said bond, for any breach of covenant, contained in said bond, may be prosecuted in the name of said mayor and aldermen as bonds usually are, which are given to incorporate bodies, in any court of record in the county of Mobile.

Survey of
city author-
ised.

Sec. 14. *And be it further enacted,* That the corporation of the said city of Mobile, shall be, and they are hereby authorised and directed to cause a complete and accurate survey to be made of the said city agreeably to the courses and limits prescribed in this act, and to establish, and fix from time to time, permanent boundaries at such places as they may deem necessary and proper, for perpetuating the boundaries of the said city, and to cause the squares into which the city now is, or may hereafter be divided, to be numbered, beginning at such point as the corporation may designate, and

progressing with the same, in the manner they may direct, and also to cause the front and depth of each lot so numbered, to be measured and specified on the survey of the said city; and after the said survey shall have been so made and approved by the corporation, the same shall be admitted to record, in the office of the clerk of the county court of Mobile county, or in such office as at the time of completing said survey, shall, or may by law be appointed for recording deeds.

To be recorded.

Sec. 15. *And be it further enacted*, That the said corporation shall have power to widen, extend and regulate the streets, lanes and alleys, within the limits of said city: *Provided*, that no street, lane or alley, now existing, shall be widened or extended so as to infringe upon, or interfere with, any dwelling house, or other houses of any inhabitant of said city, without the consent of the owner or claimant thereof: *and provided further*, that in all cases where the location of any street, lane or alley, may or shall, by the changing or altering the same, as aforesaid, prejudice the right or interest of any individual or individuals, the clerk of the board, under the direction of the mayor or of any alderman in the absence or incapacity of the mayor, shall draw a jury of twelve freeholders, resident within the corporate limits of the said city, from a ballot box to be provided for that purpose, in which the names of all freeholders within the corporate limits aforesaid, written on separate pieces of paper, shall be deposited, who shall be summoned by the city marshal or some one of the police constables, and forthwith proceed to assess the damage sustained by, or the advantage accruing to, the owner or owners of property which may be affected, injured, or benefited by the said changing, or altering any street, lane or alley, as aforesaid; and the said amount, so assessed, shall be paid by the individual or individuals so benefited, to the owner or owners of property, so prejudiced; and in case of the refusal, of any person or persons to pay the amount so assessed; the said mayor shall have power and authority, to lease out, and let, so much of the real estate so benefited, for such term as may be necessary to pay said assessment: in the same mode and manner as is prescribed and authorised by the ninth section of this act; providing for the collection of taxes on real estate within the said city of Mobile. *And provided, moreover*, that the street called and known by the name of government-street, shall be, and the same is hereby declared to be one hundred feet wide: and it shall be the duty of the said corporation to designate and distinctly to mark out the northern limits of said street, according as the same were established by the Spanish Government, as nearly as can be ascertained by the Spanish records, by the records of the land office, or by any other evidence which they may deem satisfactory; and the limits when so ascertained, marked out, and designated, shall be the permanent northern boundary of said street.

Streets may be extended under certain regulations.

Sec. 16. *And be it further enacted*, That the said corporation shall have power, and they are hereby authorised to alter and change the present names of streets of said city, whenever they may deem it expedient, and they shall mark the names when so altered and changed, together with the original names thereof, on the map of the said city.

Names of streets may be changed

Sec. 17. *And be it further enacted*, That the said corporation shall have power, and they are hereby authorised, to lay out and open new streets, lanes or alleys, whenever they may deem it expedient, within the limits of the said city, under the restrictions herein

New streets may be opened

Jury to as-
sess dam-
age.

before laid, and under the following regulations, that is to say, the mayor of the city shall sunimon twelve freeholders, inhabitants of the said city, not directly interested in the lands or lots through which it is proposed to open and lay out the said new street or streets, who being first sworn to assess and value what damages would be sustained by the owners of said lots or lands; by reason of the opening and laying out of any street, lane or alley, and the damages so assessed, shall be paid by the corporation of said city, to the owner or owners of said lots or lands: *Provided always*, that no street, lane or alley shall be opened, or laid out until the damages assessed to individuals in consequence thereof, shall have been paid.

Aqueduct
corporation
transferred.

Sec. 18. *And be it further enacted*, That the act, entitled an act to incorporate an aqueduct company in the city of Mobile, passed December twentieth, eighteen hundred and twenty, be, and the same is hereby declared null and void; the said corporation having failed to comply with the requisitions of said act; and all the rights, privileges and immunities, powers, prerogatives and authority which appertained to the said company by virtue of the aforesaid act, are hereby transferred to and vested in, the corporation of the city of Mobile, for the use and benefit of the inhabitants thereof.

To publish
report of re-
ceipts and
expendi-
tures.

Sec. 19. *And be it further enacted*, That the mayor and aldermen for the city of Mobile, shall hereafter, on the first Monday of November, in each and every year, publish in the newspapers printed in said city, a report which shall contain a true statement of the receipts of any and all monies into the treasury of the corporation, together with an exact and methodical account of the appropriations and disbursements made of such monies: and for the purpose of carrying into effect the true intent and meaning of this act the said mayor and aldermen shall keep a book or books, in which shall be entered a statement of all monies received by them in their corporate capacity, proceeding from taxation or otherwise, as well as an account of all expenditures incurred, or disbursements made, by the said corporation, which said books shall be at all times subject to the inspection of all persons interested therein.

Repealing
clause.

Sec. 20. *And be it further enacted*, That all other acts and parts of acts, heretofore enacted for the government of the said city of Mobile, are hereby repealed, saving so far as the said repeal may interfere with the unfinished business commenced and progressing under the aforesaid acts.

(Approved, December 24, 1824.)

AN ACT

To exempt the members of the Neptune Fire Companies, Nos. 1, and 2, of the City of Mobile from militia and patrol duty; and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That John F. Pagles, and Thomas Walsh, and their associates, members of the Neptune Fire Companies, numbered one and two, of the city of Mobile, and their successors, be, and they are hereby exempted from militia and patrol duty, so long as they continue members of the said company or association, and no longer, except in cases of actual rebellion or invasion.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the commissioners of roads, highways, bridges, and ferries for said county, to exempt the members of the aforesaid companies from road tax, if they deem the same expedient.

[Approved, December 24, 1824.]

AN ACT

To establish a county therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That all that tract of country lying west of the basis meridian from Huntsville, and contained within the following bounds, to wit: commencing at the northeast corner of township fourteen, of range nine, and running thence west eighteen miles, to the northwest corner of township fourteen, range eleven, thence south four miles, thence west to the state line, thence along the same to the southern boundary line of township seventeen, thence east along said township line, to the southeast corner of township seventeen, range twelve, thence north six miles, thence east to the southeast corner of township sixteen, range nine, and thence north to the place of beginning; shall constitute a separate and distinct county, to be known and called by the name of FAYETTE.

County of
Fayette.

Sec. 2. *Be it further enacted,* That Hezekiah Johnson, Wiley Beasley, Horatio Robinson and John Ship, be and they are hereby appointed commissioners of revenue and roads for the aforesaid county of Fayette, until the next general election, and until their successors are elected and qualified, with the same privileges and powers that appertain to such officers in other counties in this state.

Commissioners.

Sec. 3. *Be it further enacted,* That the aforesaid commissioners associated with the judge of the county court shall appoint managers to superintend an election, to be held at the place appointed for holding courts in said county, and at the several election precincts hereinafter named, on the second Monday in May next, for the purpose of electing a sheriff, clerks of the county and circuit courts, and such other officers as may be required by this act.

Officers to
be elected.

Sec. 4. *Be it further enacted,* That in addition to the election to be held at the court-house, the following election precincts shall be established for said county, at the houses of Horatio Robinson, Wm. M. Strong, Littleton Bagwell, Parson Brewer and Michael Box.

Election
precincts.

Sec. 5. *Be it further enacted,* That the said county shall be added to, and form a part of the fifth judicial circuit, and the circuit courts thereof shall be held on the first Mondays after the fourth Mondays in March and September, in each and every year, and may continue in session, each one week; and the county courts, on the third Mondays in January and July; and the courts of commissioners of revenue and roads on the second Mondays in February, May, August and November.

Courts
when held.

Sec. 6. *Be it further enacted,* That it shall be the duty of the judge of the county court of said county, together with the commissioners of revenue and roads, to cause elections to be held throughout the county, for the election of justices of the peace and constables, as well as all military of-

Election of
justices, &c

ficers, at such times and places as they may appoint; and the certificate of a majority of them, or of any one, if but one should attend to this matter, shall be sufficient evidence to authorise commissions to issue.

Sec. 7. Be it further enacted, That the militia of said county shall form the forty-fifth regiment, and be attached to the fifth brigade of the militia of this state; and that it shall be lawful for the several managers of the elections provided for by the third section of this act, to administer to each other respectively the requisite oaths, or that the same may be done by the judge of the county court thereof, or by any justice of the peace, of either of the counties of Tuscaloosa, Walker, Marion or Pickens, and that the commissioners of revenue and roads may in like manner be qualified by any authorised officer in either of said counties.

To form the
45th regi-
ment.

Sec. 8. Be it further enacted, That the clerks of the circuit and county courts of either of the counties, from parts of which said county may be formed, shall as soon as may be, after the elections provided for by the third section of this act, and after the clerks are qualified for office, transfer all causes and the records thereunto belonging, where the defendants may reside within the limits of the aforesaid county of Fayette, to the clerk of either the circuit or county court, to which the same may properly belong, for trial; and all process which may be issued and not returned, which is within the jurisdiction of the counties, from which the county aforesaid has been taken, and which properly belongs to said county, shall be returned to the clerks of said courts to which the same may properly appertain, in the said county of Fayette, all of which shall be proceeded upon in the same manner as if originally made returnable to such court.

Suits, &c.
transferred.

Sec. 9. Be it further enacted, That until the establishment of circuit and county courts in the said county, all appeals founded on judgments of justices of the peace, and all writs of certiorari and supersedeas shall lie to the circuit and county courts of the counties to which the same would have properly belonged, if this act had not been passed.

Till courts
are organis-
ed business
done as be-
fore.

Sec. 10. Be it further enacted, That the aforesaid county of Fayette, when organised, shall exercise and enjoy all the rights, privileges, and emoluments, and shall possess all powers that of right appertain to other counties in this state.

Shall enjoy
rights as o-
ther coun-
ties.

Sec. 11. Be it further enacted, That until otherwise provided for by law, the circuit and county courts of said county shall be held at some convenient house at Van Hoose's store, to be provided by the judge of the county court.

Seat of jus-
tice.

Sec. 12. Be it further enacted, That all that part of Tuscaloosa county, lying in township number twenty-four, in range two, east of the basis meridian from St. Stephens; and that part of fractional township number twenty-two, range thirteen, west of the basis meridian from Huntsville, shall be added to, and form a part of Pickens county.

Sec. 13. *Be it further enacted*, That this act shall commence and be in force from and after the passage thereof.

Sec. 14. *And be it further enacted*, That the counties of Walker and Fayette shall compose a part of the middle Congressional district, and the election in said counties shall be held at the same time and conducted in the same manner as is provided for by an act to divide the state into Congressional districts, for electing representatives to Congress, passed December twenty-one, 1822, and the sheriffs of said counties shall make their returns of the election to the sheriff of Tuscaloosa county, in the same manner as provided for in said act.

To make part of middle congressional district.

[Approved, December 20th, 1824.]

AN ACT

To establish a certain county therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter all that tract of country, bounded as follows, to wit: beginning on the Florida line between ranges numbered eighteen and nineteen east of the basis meridian of St. Stephens; thence north to the south boundary line of Pike county; thence east along said line to the line dividing ranges numbered twenty-five and twenty-six; thence south to the Florida line; thence west along said line to the beginning, shall form a county to be called and known by the name of Dale.

County of Dale.

Sec. 2. *Be it further enacted*, That Samuel W. Pearman, Duncan Douglass, Isaac Ledbetter, and John D. Cruse, be, and they are hereby appointed commissioners of roads and revenue for the aforesaid county of Dale, until the general election in the year eighteen hundred and twenty-six, and until their successors in office are elected and qualified, with the same privileges and powers that appertain to such officers in other counties in this state.

Commissioners.

Sec. 3. *Be it further enacted*, That the commissioners aforesaid, with the judge of the county court, shall appoint managers to superintend an election, to be held at the place appointed for holding courts in said county, by said judge and commissioners, and at the several election precincts herein after named, on the third Monday in October next, or on any subsequent day, said judge and commissioners may appoint, for the purpose of electing a sheriff, clerks of the county and circuit courts, and such other officers as may be required by this act.

Sheriff, &c. when elected.

Sec. 4. *And be it further enacted*, That the several election precincts heretofore established in Henry and Covington counties which may fall within the county of Dale, shall be the election precincts for said county.

Election precincts.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of said county, together with the commissioners of roads and revenue to cause elections to be held throughout the county for the election of

Justices, &c. to be elected

justices of the peace and constables, as well as all military officers at such times and places as they may appoint after the third Monday in October next, and the certificates of a majority of them or any one, if but one should attend to this matter, shall be sufficient evidence to authorise commissions to issue.

Sec. 6. *And be it further enacted*, That the militia of said county shall form one battallion, and be attached to the eighth brigade of the militia of this state; and that it shall be lawful for the several managers of elections provided for by the third section of this act, to administer to each other respectively, the requisite oaths, or that the same may be done by the judge of the county court thereof, or by any justice of the peace of either of the counties of Henry or Covington, and that the commissioners of roads and revenue, may in like manner be qualified by any authorised officer in either of said counties.

Shall form
battallion
and be at-
tached to
8th brigade

Suits, &c,
transferred,

Sec. 7. *And be it further enacted*, That the clerks of the circuit and county courts of either of the counties from parts of which said county may be formed, shall as soon as may be after the elections provided for by the third section of this act, and after the clerks are qualified for office, transfer all causes and the records thereunto belonging, where the defendants may reside, within the limits of the aforesaid county of Dale, to the clerk of either the circuit or county court, to which the same may properly belong, for trial; and all process which may be issued and not returned, which is within the jurisdiction of the counties from which the county aforesaid has been taken, and which properly belongs to said county, shall be returned to the clerks of said courts to which the same may properly appertain in the said county of Dale, all of which shall be proceeded upon in the same manner as if originally made returnable to such court.

Except in
certain ca-
ses.

Sec. 8. *And be it further enacted*, That until the establishment of circuit and county courts in said county, all appeals founded on judgments of justices of the peace and all writs of certiorari and supercedas, shall lie to the circuit and county courts of the counties to which the same would have properly belonged if this act had not been passed.

Sec. 9. *And be it further enacted*, That the aforesaid county of Dale, when organized, shall exercise and enjoy all the rights, privileges and emoluments appertaining to other counties in this state.

Agents to
select quar-
ter section.

Sec. 10. *And be it further enacted*, That the judge of the county court, together with the commissioners of roads and revenue, are hereby appointed agents to select a quarter section of land within and for said county of Dale, pursuant to an act of Congress, passed May the twenty-sixth, eighteen hundred and twenty-four, granting to the counties and parishes of each state and territory in the United States, where the public lands are situated, pre-emption rights to

one quarter section of land in trust for the said counties and parishes respectively, for the establishment of seats of justice therein.

Sec. 11. *And be it further enacted*, That it shall be made the duty of the said agents or any three of them as soon as may be, to select and obtain titles to the said quarter section of land in conformity to the act of Congress, aforesaid. Agents to select quarter section.

Sec. 12. *And be it further enacted*, That the said agents shall so soon as they obtain legal titles to the said quarter section of land, proceed to offer the same or any part thereof for sale, in such manner as they may think adviseable and best calculated to promote the true interest of the said county; and shall be, and they are hereby authorised and empowered to make titles to the same. To offer said quarter section for sale.

Sec. 13. *And be it further enacted*, That the said agents or any one of them, are hereby authorised to procure by loan or otherwise the amount of money necessary to pay for and obtain titles to said quarter section of land; and that they are hereby authorised to retain so much of the money arising from the sale of said land as may be sufficient to discharge the principal and interest of the money advanced for said quarter section aforesaid. To obtain loan.

Sec. 14. *And be it further enacted*, That it shall be the duty of the said agents, to pay into the county treasury of the said county, all monies arising from the sale of the said land, after retaining the purchase money aforesaid, to be applied exclusively to the use of erecting the public buildings in the said county of Dale. To pay into c'ty treasury monies arising from sale

Sec. 15. *And be it further enacted*, That the said agents shall be entitled to receive as compensation for their trouble in selecting and selling the said quarter section of land five per centum upon the whole amount of sales, provided that the said agents shall before they enter upon the discharge of the duties herein assigned them; take and subscribe the following oath, viz. I do solemnly swear or affirm, as the case may be, that I will well and faithfully discharge all the duties assigned to me by this act to the best of my abilities, so help me God; which oath shall be filed in the office of the clerk of the county court of the county of Henry. Compensation of agents.

Sec. 16. *And be it further enacted*, That Robert Irvin, Bartlett Smith, Robert Richards, Benjamin Harvy, and Elijah Bryan, be, and they are hereby appointed agents for the county of Henry, together with the judge of the county court of said county for the same purposes with the same powers, restrictions and limitations as are provided for in the preceding sections of this act appointing agents for the county of Dale. Oath.

Sec. 17. *And be it further enacted*, That the commissioners appointed at the last session of the General Assembly to select a site for the seat of justice for the county of Pike, be, and they are hereby authorised to select the quar- Agents for Henry c'ty.

ter section for the county of Pike, in conformity with the act of Congress, passed May the twenty-sixth, eighteen hundred and twenty-four, subject to the same powers, restrictions and limitations as are provided for in the preceding sections of the act, appointing agents for the county of Dale, and that Charles A. Dennis, be, and he is hereby appointed an agent for the above purpose, in lieu of Andrew C. Townsend, resigned.

Act when
to take ef-
fect,

Sec. 18. *And be it further enacted*, That the provisions of this act relative to the selection of quarter sections of land and disposing of the same, shall take effect and be in force, from and after the passage thereof, and that all other provisions of this act, shall take effect and be in force from and after the third Monday in October next.

[Approved, December 22, 1824.]

AN ACT

To provide for the opening and keeping in repair a certain road therein described.

Madison co.
court requi-
red to mark
public road

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the county court and commissioners of roads and revenue of Madison county, be, and they are hereby required to appoint commissioners to view and mark out a public road from Crabb's ferry, on the Tennessee river, to the line dividing the counties of Limestone and Madison counties; and thence north to the Big Prairie, as near the line as can be done, having due regard to the public convenience, and the rights of private individuals; and the said county court and commissioners shall have power to determine on the propriety of opening said road in conformity to the return of the reviewers; and if said road shall be established by said court, then, and in that case, the county court of Madison county shall have jurisdiction, and apportion hands from Madison county to work on said road, from the Big Prairie to Crabb's ferry.

Limestone
c'ty c'trt to
appoint ov-
erseers, &c

Sec. 2. *And be it further enacted*, That the county court and commissioners of Limestone county shall appoint overseers, and apportion hands from the county of Limestone to work on, and keep in repair, that part of the public road leading from the Big Prairie, to Whitaker's corner.

[Approved, December 23, 1824.]

AN ACT

Making an appropriation for Thomas B. Childress.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the sum of sixty dollars, be, and the same is hereby appropriated as compensation to Thomas B. Childress, for acting as surveyor and assisting the commissioners in laying out the state road leading from Tuscaloosa to Claiborne, and that the same be paid out of any money in the treasury not otherwise appropriated.

[Approved, December 26, 1824.]

AN ACT

For changing the compensation of the judge of the county court of Mobile county, and for other purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That instead of the compensation now allowed by law to the judge of the county court of Mobile county, he shall receive an annual salary of one thousand dollars, to be paid quarter yearly, to wit: on the first days of January, April, July, and October, in each and every year, out of the county treasury; which shall be in lieu of all fees and emoluments of whatsoever kind or nature, heretofore allowed by law to said judge.

Salary of
judge co'ty
court Mo-
bile county

Sec. 2. *And be it further enacted,* That it shall be the duty of the clerk of the county court of said county, to collect, and to keep an accurate and particular account of all fees heretofore provided by law as compensation to the judge of the county court aforesaid, and to render an official statement thereof duly certified by said judge to the county treasurer quarter yearly, to wit: on the first days of January, April, July, & October of each and every year, and thereupon immediately to pay into the county treasury the amount of fees so by him received.

Clerk co'ty
c't to keep
account fees
heretofore
allowed to
judge.

Sec. 3. *And be it further enacted,* That whenever it shall so happen that any person accused or brought to trial before the county court of said county, exercising criminal jurisdiction, shall be unable to pay the clerks fees, the same shall be paid to the said clerk on the certificate of the judge of said court, out of the county treasury.

Sec. 4. *And be it further enacted,* That the act entitled an act, allowing a certain salary to the judge of the county court of Mobile, be, and the same is hereby repealed.

Repeal.

(Approved, December 22, 1824.)

AN ACT

To amend an act authorising Edwin Lewis to open and construct a road in Mobile county, and for other purposes; passed Dec. the 18th, 1821.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Edwin Lewis be, and he is hereby, authorised so to alter, straighten and amend the said road, to build bridges and make causeways, wherever it may be necessary and deemed of public benefit.

To repair
road, &c.

Sec. 2. *Be it further enacted,* That said road, when so altered and amended, and received in the same manner that the before recited act is directed to be received, that, then it shall be deemed a public highway, and shall be governed by all the rules and regulations required in the before recited act.

When dee-
med public
highway.

Sec. 3. *Be it further enacted,* That all laws and parts of laws repugnant to the provisions of this act, be, and the same are hereby, repealed.

Repeal.

[Approved, December 24, 1824.]

AN ACT

Pointing out the manner by which the streets in the town of Greensborough, shall be opened and kept in good order.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the judge of the county court of Greene county, and the commissioners of revenue and roads, when sitting for that purpose, to cause all the hands residing within the corporate limits of the town of Greensborough in said county, liable by law to work on public roads, to be apportioned to work on the several streets and alleys in said town, as they may from time to time think necessary to have opened and improved, and appoint one or more overseers to superintend the same; and the hands apportioned to work thereon, shall be required to labour therein under the same rules and regulations, which now are or hereafter may be prescribed by law.

Judge, &c.
to apportion
roads.

County c't
to apportion
labor.

Sec. 2. *And be it further enacted,* That if at any time, it shall be considered by the said county court, that the quantum of labor required on said streets and alleys should not be in proportion to what may be performed by the hands working in adjoining precincts, then and in that case, said court shall prescribe what further services, shall be by the hands residing in said town, performed: *provided however,* that the hands thus apportioned, shall in no wise be required to work a greater number of days in any one year, than other hands are by law required to work.

No hands
out of the
limits, to
work on the
streets.

Sec. 3. *And be it further enacted,* That no hands residing out of the limits of said town of Greensborough, shall be required to work on the streets and alleys of said town.

Sec. 4. *And be it further enacted,* That all the provisions of this act, be, and the same are hereby extended to the town of Erie.

(Approved, December 23, 1824.)

AN ACT

Concerning the Revenue of Mobile County.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That hereafter it shall be the duty of the judge of the county court, and the commissioners of revenue and roads of Mobile county, to levy an extra tax for county purposes, as follows: on all sales at auction of real estate, slaves, horses, mules and other objects, heretofore exempted by law from taxation, excepting only sales for or on account of executors, administrators, or insolvent estates, two per centum on the amount of such sales; on all theatrical or equestrian representations, or exhibitions, one hundred dollars for each and every license; on all other representations, exhibitions, shows, or sports for public amusement, not less than ten, nor more than fifty dollars, for each and every license; to be levied, collected and paid over as other taxes.

(Approved, December 25, 1824.)

AN ACT

To establish the Town of Whitesburg, and to Incorporate its Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the town of Whitesburg, in Madison county, be, and the same is hereby established and incorporated, within the following boundaries, to wit: beginning at the junction of Alldridge's creek with the Tennessee river, and running thence up the said river three hundred yards; thence directly north nine hundred yards; thence a direct west line, nine hundred yards; thence a direct south line, to the river; and thence up the river to the place of beginning.

Whitesburg
incorporated.

Sec. 2. *And be it further enacted,* That all free white male inhabitants of said town above the age of 21 years, are hereby authorised to vote for five persons residing in the town limits, as trustees of the corporation, who are empowered to superintend the police of said town, by passing such by-laws, not contrary to the laws of the United States, or of this state, as they may think proper, for the government of said town; as for the suppression and removal of nuisances, laying off and repairing the streets, and ways, and cleaning out such parts of the abovementioned water courses, as may be within the above mentioned.

All free
white male
inhabitants
above 21 to
vote for
trustees.

Sec. 3. *And be it further enacted,* That said trustees, or a majority of them, are hereby authorised to assess such taxes on all property lying within the limits of said town, as they may think proper for all the purposes of a proper police: *Provided,* the same does not exceed the amount of state tax.

Trustees to
tax town
property.

Sec. 4. *And be it further enacted,* That when vacancies shall happen in the board of trustees, by death, resignation, or otherwise, such vacancies shall be filled by the board and the member or members so chosen, shall continue in office until the next annual election for trustees.

Vacancies
to be filled
by the board

Sec. 5. *And be it further enacted,* That the trustees or a majority of them, shall at all times have sufficient power and authority to appoint a sufficient number of police officers, and the same to remove at pleasure, whose duty it shall be to see that all the by-laws of the corporation are observed and carried into effect, and perform all such duty as may be prescribed by the corporation of said town.

Trustees to
appoint po-
lice officers

Sec. 6. *And be it further enacted,* That the election for trustees, shall be held on the second Monday of January next, at White's tavern in said town, under the superintendence of James A. Wall, John Ballew, John Turner, and John Hardie, and for ever thereafter, on the second Monday of January in each succeeding year, under the direction of three freeholders or house holders to be appointed by the board, and at such place in said town as may be designated by the board.

Election for
trustees
when held.

Sec. 7. *And be it further enacted,* That the corporate limits of said town of Whitesburg, be extended from the

Corporation
limits.

bank of the river opposite the mouth of Alldridge's creek one hundred yards, and thence up one hundred yards from the river, so as to intersect the north line before mentioned running from the river.

[Approved, December 23, 1824.]

AN ACT

Supplementary to, and amendatory of, the laws now in force regulating the appointment of Auctioneers and sales at auction.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly, convened,* That the number of auctioneers hereafter to be appointed and licensed for the city of Mobile shall not exceed six, and for each of the other counties in this state, the number shall not exceed three, except Madison county, in which the number may be six, who shall be appointed and licensed in the same manner, shall hold their appointments for the same period, and be subject to the same restrictions and obligations as are provided by the act concerning the appointment of public officers, passed December twentieth, 1820, and the act regulating sales at auction, passed November twenty-first, 1818.

Number of
auctioneers
allowed in
Mobile and
Madison.

Auctioneers
to give bond

Sec. 2. *And be it further enacted,* That each and every auctioneer hereafter to be appointed and licensed for said city, shall give bond with good and sufficient sureties, in the penal sum of ten thousand dollars, and for each of the other counties in this state, in the penal sum of two thousand dollars, to be approved of by the judge of the county court of the county in which the license or licenses shall be granted, made payable to the Governor for the time being, and his successors in office, to be filed in the office of the comptroller of public accounts, conditioned, that he will render quarter yearly, in the city of Mobile, that is to say, on the first Mondays of January, April, July and October, of each and every year, during the term of his appointment, and in the other counties in this state, at the times required by the law relating to sales at auction, passed in eighteen hundred and eighteen, to the assessor and collector of the county in which he may be appointed, an accurate and particular account, in writing and on oath, of all sales of goods, wares and merchandize, subject to auction duties, made by him during the three months immediately preceeding the date thereof; and that he will thereupon immediately pay over to the said assessor and collector of taxes the amount of duties accruing upon such sales.

Penalty on
failure to
make re-
turn.

Sec. 3. *And be it further enacted,* That if any such auctioneer shall fail to make the returns or the payments hereby required to be made, in the manner and at the periods respectively therein prescribed, he shall in addition to the penalty contained in his official bond, forfeit for each and every such failure, the sum of five hundred dollars to be levied and collected in the manner herein after provided for.

Sec. 4. *And be it further enacted,* That the duties in arrears on sales at auction, and all forfeitures accruing under this act, may be collected in the manner provided by law for the collection of the state and county taxes, any law to the contrary notwithstanding, and the assessor and collector of taxes, for the county in which he may be appointed, shall receive the same rates of compensation on all collections of auction duties as he is entitled to receive on the collection of the state and county taxes.

[Approved, December 24, 1824.]

AN ACT

To alter and amend an act authorising the Judge of the County Court of Mobile county to appoint a public Weigher in the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That from and after the passage of this act, the judge of the county court of Mobile county shall, in no case, allow to the public weighers of the city of Mobile a greater sum than six and a quarter cents for each bale of cotton weighed by him.

Sec. 2. *Be it further enacted,* That in case any public weigher, appointed for the city of Mobile, shall take or exact a greater sum than shall be allowed by the judge of the county court of Mobile county, by the provisions of this act, it is hereby made the imperative duty of said judge, on due proof, to dismiss him from office and appoint another suitable person to fill his vacancy.

Sec. 3. *Be it further enacted,* That all laws contravening the provisions of this act are hereby repealed.

(Approved, December 24, 1824.)

AN ACT

To alter and establish the boundary lines between certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the boundary line between the counties of Walker and Tuscaloosa county, be so altered as to annex fractional townships numbered seventeen, of ranges six and seven, west of the basis meridian of Huntsville, and west of the Black Warrior river, to the said county of Walker, by beginning at the north west corner of township numbered seventeen, of range seven; thence south to the south west corner of said township; thence east to the Black Warrior river; thence up said river to the north boundary of said township, where it intersects the original county line; which line so altered shall be hereafter the boundary line between said counties of Walker and Tuscaloosa.

Sec. 2. *And be it further enacted,* That the boundary line between the counties of Montgomery and Pike be so altered and amended, as to annex a part of the county of Pike to that of Montgomery, by the following line dividing said counties, by beginning at the south west corner of township

Duties on sales at auction how collected.

Compensation of weigher.

Penalty of exacting greater sum than allowed.

Repeal.

Boundary of Walker & Tuscaloosa altered

Boundary of Montgomery and Pike altered

numbered fourteen, of range twenty-one, east of the basis meridian of St. Stephens; thence east to the Creek boundary line; thence with said line north westwardly to the original county line, which shall hereafter be a part of the dividing line between said counties, and be annexed to the county of Montgomery.

(Approved, December 22, 1824.)

AN ACT

For the relief of Cyrus Sibley and James L. Seabury, securities of Henry Wheat.

Preamble.

Whereas a judgment has been obtained in the circuit court of Dallas county, at the suit of the state against Henry Wheat, as tax collector of Mobile county, for the year one thousand eight hundred and twenty, and Cyrus Sibley and James L. Seabury, as his securities; and whereas it has been represented to the General Assembly that the said Cyrus Sibley and James L. Seabury are in danger of having their property sold at a great sacrifice and loss, if the said judgment be pressed; and as it is the true policy of all good governments to protect the rights and relieve the distresses of its citizens when the same can be done without prejudice to the community; for remedy whereof:

Comptroller required to suspend sale of property.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and he is hereby, authorised and required forthwith to suspend the sale of any property which has been or may be hereafter levied upon by any sheriff, to satisfy an execution in favor of this state, against Henry Wheat, as tax collector of Mobile county, and Cyrus Sibley and James L. Seabury, as his securities.

Cyrus Sibley upon certain conditions relieved from judgment.

Sec. 2. *And be it further enacted,* That when Cyrus Sibley shall enter into bond with two or more good and sufficient securities, to be approved by the judge of the county court, the sheriff of Baldwin county and the solicitor of the first judicial district, or any two of them made payable to the comptroller of public accounts, for the use of the state of Alabama, to be deposited in the office of said comptroller, conditioned for the payment of one half of the amount of the aforesaid judgment, together with the interest and costs which have accrued or may accrue thereon, in three equal annual instalments, to be computed from the date hereof, then the said Cyrus Sibley shall be relieved from the said judgment.

J. L. Seabury relieved upon certain conditions.

Sec. 3. *And be it further enacted,* That as soon as James L. Seabury shall enter into bond with two or more good and sufficient securities, to be approved by the judge of the county court, the sheriff of Baldwin county and the solicitor of the first judicial district, or any two of them, made payable to the comptroller of public accounts, for the use of the state of Alabama, to be deposited in the office of said comptroller, conditioned for the payment of one half of the a-

mount of the aforesaid judgment together with the interest and costs which have accrued, or may accrue thereon, in three equal annual instalments, to be computed from the date hereof, then the said James L. Seabury shall be relieved from the said judgment.

Sec. 4. *And be it further enacted*, That this act shall not be so construed, as to release either the said Cyrus Sibley or James L. Seabury until both shall have entered into bond, as contemplated in the second and third sections of this act, and that the bonds authorised by this act, to be given, be and they are hereby required to be given by the first day of March, one thousand eight hundred and twenty-five.

Bond to be given by 1st March 1825

Sec. 5. *And be it further enacted*, That on failure of the parties to pay the bonds or notes, by this act required to be taken, or any of them, at the time the same may become due, it shall and may be lawful for the comptroller of public accounts to proceed to collect the same, in the manner which is now or may hereafter be pointed out, for enforcing collections against defaulting tax collectors.

Parties failing to pay bond comptroller to proceed.

[Approved, December 24, 1824.]

AN ACT

To Incorporate a Volunteer Corps of Infantry in the City of Mobile, to be styled, The Mobile Republican Greens.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That captain Jeremiah Austill, first lieutenant Peter E. Brown, second lieutenant George P. Jones, and ensign Bernard M^cManis, and their successors in office, and the non-commissioned officers and privates composing the volunteer infantry corps in the city of Mobile, styled the Mobile Republican Greens, be, and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the Mobile Republican Greens, and by that name shall be able and capable to sue and be sued, implead and be impleaded, defend and be defended, in all suits and actions, both in law and equity, and to act, receive, and do, all acts of natural persons; to have and use a common seal, which may be broken or altered at pleasure; and to make, prescribe and put in force, such by-laws and regulations, not repugnant to the constitution and laws of this state, or the constitution and laws of the United States, for the government and regulation of said corps, as to them may seem expedient, and the same to revoke or alter.

The Mobile Republican Greens incorporated.

Sec. 2. *And be it further enacted*, That his Excellency, the Governor, be, and he is hereby authorised and required to issue to the aforesaid captain Jeremiah Austill, an adequate supply of arms and accoutrements from the state arsenal for the use of said corps; upon his the said Jeremiah Austill entering into bond with security, in such sum as the Governor may deem proper, and to be approved of by him, made payable to the Governor for the time being and his

Governor to issue arms, &c. upon certain conditions.

successors in office, conditioned, for the safe keeping and return of such arms and accoutrements.

Governor to
issue com-
missions up-
on certain
conditions.

Sec. 3. *And be it further enacted*, That his excellency the Governor, be, and he is hereby authorised and required to issue commissions to the said captain Jeremiah Austill, first lieutenant Peter E. Brown, second lieutenant George P. Jones, and ensign Bernard M^cManis on receiving satisfactory evidence that they have been fairly and legally elected officers of said corps.

The Greens-
borough vo-
lunteer ar-
tillery com-
pany incor-
porated.

Sec. 4. *And be it further enacted*, That Capt. John C. Dunn, first lieutenant Francis Bostic, second lieutenant John Williams, and ensign Lossen Bullock, and their successors in office, and the non-commissioned officers and privates composing the Greensborough volunteer artillery company, be, and they are hereby declared to be a body politic, to be known by the name and style of the Greensborough volunteer artillery company, and with all the rights and privileges, in this act granted to the Mobile Republican Greens.

Governor to
issue com-
missions up-
on certain
conditions.

Sec. 5. *And be it further enacted*, That his excellency the Governor, be, and he is hereby required to issue commissions to the officers of said company, on receiving satisfactory evidence, that they have been fairly elected, officers of said company: *provided*, That said company shall at no time exceed one hundred privates.

(Approved, December 15, 1824.)

AN ACT

To establish a State Road leading from the city of Mobile, to the Mississippi State line.

Preamble.

Whereas the establishment of a public road between the cities of Mobile and New-Orleans, to run along the coast of the Gulf of Mexico by the most direct practicable route, so as to pass through the principal towns and settlements on the intermediate sea board, would be an object of great public utility, inasmuch as it would greatly facilitate the transportation of the mail, and promote the commercial intercourse between these two cities,

Commissioners
appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Nicholas Pope, Joseph Krebs, Joshua Clement, Samuel Childress, and John B. Bosage, be, and they are hereby appointed commissioners, to view, mark out, and establish a public road leading from the city of Mobile, by the most direct, practicable route to the southernmost mound, on the line dividing the states of Alabama and Mississippi, so as to intersect a road leading from thence to the city of New-Orleans.

Com'ers to
report to
city judge.

Sec. 2. *And be it further enacted*, That when the said road shall be marked out and established, it shall be the duty of the above named commissioners or a majority of them, to report their proceedings to the judge of the county court and commissioners of roads and revenue for Mobile coun-

ty, and that the road aforesaid, shall thereafter be, and remain a public highway.

Sec. 3. *And be it further enacted*, That his excellency the Governor, be, and he is hereby authorised and required to transmit a copy of this act to the executive of the state of Mississippi, inviting the co-operation of that state in extending the aforesaid road along the sea-board of said state to the town of Pearlington, so as to intersect the Louisiana road leading from the city of New-Orleans by way of Chef Menteur, and the Fortifications at the Rigolets: *Provided*, That said commissioners shall be compensated out of the county treasury of Mobile county.

Governor to
transmit a
copy to gov.
Mississippi.

Sec. 4. *And be it further enacted*, That the aforesaid commissioners, shall take and subscribe an oath, before some justice of the peace, to lay off said road the nearest and best route, without favor or affection, with the least possible injury to individuals through whose land the same may pass.

Commissioners
oath.

[Approved, December 15, 1824.]

AN ACT

To incorporate the Montgomery Light Infantry Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That captain J. Goldthwaite, lieutenant Geo. Whitman and ensign Edward W. Thompson, and their successors in office, and the non-commissioned officers and privates composing the volunteer infantry corps styled, The Montgomery Light Infantry, be, and the same are hereby declared to be a body politic and corporate, under the same rules and regulations, powers and restrictions, prescribed in an "Act to incorporate a volunteer corps of infantry in the city of Mobile, to be styled, The Mobile Republican Greens, passed at the present session of the General Assembly of this state.

(Approved, December 24, 1824.)

AN ACT

Exempting the inhabitants of the town of Claiborne, in Monroe county, from working on roads beyond the limits of said town.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the inhabitants of the town of Claiborne, be, and they are hereby exempted from working on any road beyond the corporate limits of said town; but shall be liable to work on, and keep in repair, the streets and alleys in said town, under the same regulations and for the same space of time, as the laws now in force require hands to work on public roads in this state.

Streets how
kept in re-
pair.

Sec. 2. *And be it further enacted*, That all persons residing beyond the limits of said town, be, and they are hereby exempted from working on any road, street, or alley within the same,

[Approved, December 24, 1824.]

AN ACT

To Incorporate the Spring Creek Navigation Company.

Com'rs ap-
pointed and
their pow'rs

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Anthony Winston, Thomas Linrick, Phillip G. Godley, James Elliot, and Alexander A. Campbell, be, and they are hereby appointed commissioners with power to open books in the town of Tuscumbia, and at such other places as they may think proper to receive subscriptions of stock in the Spring Creek Navigation Company, in shares of twenty-five dollars each.

Company
incorporat-
ed.

Sec. 2. *And be it further enacted,* That said subscribers shall be, and they are hereby created a body corporate and politic, by the name and style of the Spring Creek Navigation Company, with power to sue and be sued, plead and be impleaded, in any court of record in this state, to have a common seal, and the same to break, alter and renew at pleasure, and also ordain, establish, and put in execution such by-laws, ordinances and regulations, as they shall deem necessary and convenient, for the government of said corporation, not being contrary to the constitution or the laws of the United States of this state, and generally to do and execute all and singular the acts, matters and things which to them may appear necessary, or which to them it shall or may appertain to, as incident to corporate bodies, subject nevertheless, to the rules, regulations and restrictions hereinafter presented, described; and to purchase, hold and dispose of, for the benefit of said corporation, real, personal and mixed estate not exceeding double the amount of stock subscribed.

Directors
how & when
elected.

Sec. 3. *And be it further enacted,* That for the management of the affairs of said corporation, there shall be elected five directors annually, in the town of Tuscumbia, on the first Monday in June, in each year, by the stockholders, and the directors thus elected shall serve for one year, and the board of directory annually at the first meeting after their election, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are elected as aforesaid: *Provided always,* that the first election of the directors and president of said corporation, shall be at the time and for the period hereafter declared; *and provided also,* that in case it shall at any time happen that an election of directors, or an election of president of said company, should not be made so as to take effect on any day when in pursuance of this act they ought to take effect, the said corporation shall not for that cause, be deemed to be dissolved; but it shall be lawful at any time to hold such election, and the manner of holding the election shall be regulated by the laws and ordinances of said corporation, and until such election be held, the president and directors of the company shall continue in office: *And provided also.*

that in case of the death, resignation or removal of the president of said corporation, the directors shall proceed to elect another president from the directors as aforesaid, and in case of the death resignation, removal from office, or absence of a director, the vacancy may be supplied by a majority of the board.

Directors
to elect
president.

Sec. 4. *And be it further enacted,* That as soon as the sum of five thousand dollars, shall be subscribed, public notice thereof shall be given by the commissioners, and the said commissioners, shall at the same time and in like manner, notify a time and place in the town of Tuscumbia, at the distance of fifteen days from the time of such notification, for proceeding to the election of five directors as aforesaid, and the election then and there shall be lawful, and the persons who shall be elected as aforesaid, shall be the first directors of said company and shall proceed to elect one of the directors to be president, and the president and directors so elected, shall be capable of serving in their respective offices, by virtue thereof, until the end and expiration of the first day of June next ensuing said election, and they shall then and thenceforth commence and continue the operations of said company.

Commissioners
their duty.

Sec. 5. *And be it further enacted,* That the director for the time being, shall have power to employ such officers and servants under them, as shall be necessary for the executing the business of said corporation, and allow them such compensation as may be prescribed and determined by the laws, regulations and ordinances of the same—none but a stockholder a resident citizen of this state, shall be a director—not less than three directors shall constitute a board to do business.

Directors
may employ
officers, &c.

Sec. 6. *And be it further enacted,* That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient, and a number of stockholders, not less than five, who together shall be proprietors of twenty-five shares or upwards, shall have the power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least two weeks public notice, and specifying in such notice the object of such meetings; the officers of the corporation, shall previously to entering on the duties of their respective offices, give bond with such security and in such form as the directors shall require, conditioned for the faithful discharge of their duties respectively.

Directors
to call stock-
holders to-
gether.

Officers to
give bond.

Sec. 7. *And be it further enacted,* That said corporation shall have power and authority to open and improve the navigation of Spring Creek in Franklin county, from the spring in the town of Tuscumbia, to the mouth of said Spring Creek by removing the obstructions therein, opening canal or canals, or in such other mode or way as they may deem expedient.

Power of
corporation

Sec. 8. *And be it further enacted,* That whenever said

Corporation
may exact
toll.

creek shall be rendered navigable for boats drawing twelve inches of water; and so long as said creek, shall be kept thus navigable, it shall be lawful for said corporation to demand and receive toll on all boats navigating the same, between said town of Tuscumbia and the mouth of said Spring Creek at the following rates; not exceeding one dollar for every ton freight which said boat carries, and as much less as said corporation may deem necessary.

Spring cr'k
declared na-
vigable.

Persons ob-
structing
navigation
may be fined

Sec. 9. *And be it further enacted*, That Spring Creek in the county of Franklin and emptying into the Tennessee river, be, and the same is hereby declared a navigable stream from the mouth thereof, up to the spring in the town of Tuscumbia; and if any person shall obstruct said navigation by felling trees in said creek or otherwise, he, she or they so offending, shall forfeit and pay to the "Spring Creek Navigation Company" the sum of twenty dollars, to be recovered before any justice of the peace.

(Approved, December 24, 1824.)

AN ACT

To establish a Road from the town of Montevallo to the town of Greensborough, and for other purposes.

Commis'ers
appointed
to mark out
road.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Benjamin Davis, James Mahan, Michael Purdie, Samuel Dubb, John W. Greggs, and Henry Purdem, or a majority of them, be, and they are hereby appointed commissioners, to view and mark out a way for a road, to commence at the town of Montevallo in Shelby county, and to run from thence the nearest, and best route, to the falls of Cahawba, and from thence the nearest, and best route, to the town of Greensborough in this state.

Commis'ers
oath.

Sec. 2. *And be it further enacted*, That before the said commissioners, enter upon the duties herein assinged them, they shall take and subscribe the following oath, to wit:
I, _____ will truly and faithfully to the best of my judgment, and knowledge, view, mark out, and report the best and most direct way for a road to lead from _____ to _____ in conformity to the act, under which I am to act, so help me God.

Commis'ers
to make re-
port.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said commissioners, after completing the said view, to make out a report of the same, which report they shall transmit to the judge of the county court of the respective counties through which the said road will pass, and it shall be the duty of the said judges, to appoint a sufficient number of overseers, whose duty it shall be respectively to open and mark out the said road as now provided for by the existing laws now in force upon that subject, and all hands now liable to work on roads, are hereby liable to work, on the road, hereby established.

Overseers to
be appoint-
ed.

Commis'ers
compensa-
tion.

Sec. 4. *And be it further enacted*, That the commissioners shall receive as compensation, for their services, on ma-

King such view and report, the sum of one dollar and fifty cents per day, to be paid out of the county treasury of their respective counties.

Sec. 5. *And be it further enacted*, That if any of the commissioners appointed by the first section of an act entitled, "An act to establish a certain road therein named; and for other purposes, approved Dec. 30th, 1823," shall fail or refuse to act in pursuance of said recited act, by or before the first Monday in May next, then and in that case it shall be lawful for the courts of commissioners of revenue and roads where such defaulting commissioners may reside to fill such vacancy.

Vacancies
how filled

(Approved, December, 24, 1824.)

AN ACT

To amend an act, entitled "An act to incorporate the Trustees of the Claiborne Academy."

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the trustees of the Claiborne academy, and their successors in office, be, and they are hereby empowered to purchase a site and locate the seminary contemplated to be established by the act to which this is an amendment, wherever they may deem it most expedient, any thing in the act of incorporation to the contrary notwithstanding.

[Approved, December 25, 1824.]

AN ACT

Concerning the apportionment of hands liable to work on public roads in the county of Baldwin.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That hereafter it shall be the duty of the judge of the county court and commissioners of roads and revenue, in the county of Baldwin to apportion the hands liable by law to work on public roads in said county, among such overseers as they shall direct; any law to the contrary notwithstanding.

[Approved, December 25, 1824.]

AN ACT

Supplementary to an act, passed at Cahawba, on the 20th day of December, 1823, entitled, "An act to appoint commissioners to improve the navigation of the Tennessee river."

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the commissioners appointed by the first section of the act to which this is supplemental, shall be allowed ten months from and after the passage of this act, to execute the authority confided to them by the said first section of that act.

Commissioners
allowed
time.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said commissioners or a majority of them, shall be, and they are hereby authorised, for the purpose of executing the authority with which they are vested, to issue their certificate or certificates for any sum not exceeding

Commissioners
may issue
certificates
for \$1250

Provido.

twelve hundred and fifty dollars, in lieu of the sum of seven hundred and fifty, heretofore granted, redeemable six months after date at the bank of the state of Alabama, with the notes of the said bank, or the notes or bills of other specie paying banks, equal in amount to the sum for which such certificate or certificates were issued, to be paid to the holder or holders of such certificate or certificates by the president and directors of said bank: *Provided*, That the said commissioners shall give notice as soon as practicable to the president and directors of the bank of the state of Alabama, of the issue and date of such certificate or certificates, and to whom issued.

[Approved, December 24, 1824.]

AN ACT

Amendatory to an act, entitled, "An Act to establish a Public Road from the southern boundary line of township eight, in range four or five west of the basis meridian of Huntsville, to the Falls of Tuscaloosa, passed December, 1820."

Undertaker to have toll on certain conditions.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That should the undertaker authorised to open said road by virtue of the above recited act, complete the same, strictly in conformity with the provisions of said act, on or before the first day of December, 1826, the said undertaker shall have all the benefits and profits arising from the tolls for the period of twelve years thereafter, subject to all the restrictions and provisions of the above recited act.

Commis'ers appointed.

Sec. 2. *And be it further enacted*, That John Bishop, John Kelly, Jonathan Anderson, Martin Prewet, Joseph Mott, and William Murrell, or a majority of them, be, and they are hereby appointed commissioners, in lieu of Alexander M'Leod, John Barron, William Taylor, John Hart, and William Silman, to view and mark out a way for a road, to run the nearest and best way the country will admit of from Coffeeville, until it intersects the road from the town of Cahawba to the county line west of Cahawba.

(Approved, December 24, 1824.)

AN ACT

Concerning Roads, Highways, Bridges, and Ferries in the County of Mobile.

Preamble.

Whereas, the county of Mobile from its peculiar local situation, requires a different system from the one now in force in respect to roads, highways, bridges, and ferries.

C'ty judge, &c. to appoint commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the judge of the county court, and the commissioners of revenue and roads of Mobile county, at the first or some subsequent term after the passage of this act, and annually on the first Monday of January thereafter, shall appoint one commissioner, in each captain's district in said county; and the said commissioners when assembled in the manner herein directed shall constitute a board, which shall have,

and exercise the entire superintendence and control of roads, highways, bridges, and ferries therein.

Sec. 2. *Be it further enacted*, That the board of commissioners so appointed, shall meet at the court house in said county, four times in each and every year; that is to say, on the first Mondays in April, July, October, and January, of which ten days public notice shall be given; and when so assembled, the commissioners shall have power and authority, at any time, and at all times hereafter to establish ferries, and to determine the tolls of the same; to order the laying out of roads when necessary; to appoint where bridges shall be made; to discontinue such roads as now are, or hereafter shall be made, as shall be found useless, and to alter roads so as to make them more useful, as often as occasion shall require.

Commis'sers when to meet.
Their powers.

Sec. 3. *Be it further enacted*, That the judge of the county court shall by virtue of his office, be president of the board of commissioners; he shall preserve order at the meeting of the board; direct the proceedings to be recorded, have power to fine any person (not a member) for disorderly, improper or contemptuous behaviour in any sum not exceeding ten dollars, and with the concurrence of a majority of the board, fine a member in a like sum or expel him.

C'ty court judge president of the board of commis'srs.

Sec. 4. *And be it further enacted*, That when the seat of any member shall be vacated, the residue of the said board of commissioners shall as early thereafter as convenient, elect another commissioner in the same district to supply such vacancy.

Sec. 5. *And be it further enacted*, That a majority of the whole number of commissioners, shall constitute a board to transact business; but no road established according to law shall be altered or changed, nor shall any new road be opened without the concurrence of a majority of the whole number of commissioners.

Majority of comm'srs to constitute a board.

Sec. 6. *And be it further enacted*, That if the judge of the county court shall fail to attend a meeting of the board of commissioners, the said board shall be, and are hereby authorised to elect a president *pro tempore*.

Sec. 7. *And be it further enacted*, That the board of commissioners, shall appoint a person of skill and probity as clerk of the said board, who shall hold his office during good behavior; and it shall be the duty of said clerk to attend the regular meetings of the board; to keep a fair record of the proceedings of the board; to issue all necessary citations and orders which he may be directed to issue, or which issue of course, and his office shall be under the direction of the board in term time, and of the presiding judge in vacation.

Comm'srs to appoint a clerk, and his duties.

Sec. 8. *And be it further enacted*, That the clerk of the board shall receive in full compensation for his services, four dollars per day, for each and every days attendance.

Clerk's compensation.

on the board ; and likewise any additional sum which the board may think proper to allow him, not exceeding fifty dollars in any one year.

Judge to
administer
oath.

Sec. 9. *And be it further enacted*, That any judge or justice of the peace shall administer an oath to the commissioners and clerk, faithfully to perform the duties of their respective offices ; and such judge or justice shall give a certificate of the same, which shall be filed with the clerk.

Sec. 10. *And be it further enacted*, That if the board of commissioners shall fail to meet according to the directions of this act, the judge of the county court is hereby authorised to convene the members thereof, by giving ten days public notice of the time of such meeting, and he shall also possess the same power whenever in his opinion a case of emergency may render a meeting necessary.

Commis'sers
to lay be-
fore the
board con-
ditions of
roads, &c.

Sec. 11. *And be it further enacted*, That it shall be the duty of each commissioner to lay before the board a statement of the condition of the roads, highways, bridges and ferries, within his district, and every thing thereunto appertaining, upon which the board may require information ; also of the persons and property, which from their local situation, are liable to contribute towards opening and repairing the roads and building and repairing the bridges in his district ; and any commissioner who shall fail to make such statement, or who shall make an improper, incorrect, or false statement of the situation of the roads and bridges in his district, shall pay a fine of not less than twenty, and not exceeding fifty dollars, to be applied as hereinafter directed.

Overseers to
be appoint-
ed, &c.

Sec. 12. *And be it further enacted*, That the board of commissioners, shall have power to appoint overseers, for each commissioners district ; they shall designate the boundaries of the district or part of roads over which the overseer shall have jurisdiction, and furnish him with a list of persons, who shall work on his district, and of the number of days work that each person shall contribute. Each commissioner shall examine the roads in his district, once in every three months, and if he finds any defects which he thinks practicable and expedient to remedy, or mend, he shall require the overseer to perform it ; and if the overseer shall neglect such requisition, for the space of three months, it shall be the duty of the commissioner to report him to the board ; and a majority of said board, after a fair and impartial hearing of said overseer, may in their discretion fine him in any sum not exceeding fifty dollars, to be applied as hereinafter directed.

Penalty of
commission-
ers not at-
tending
meetings.

Sec. 13. *And be it further enacted*, That if any commissioner shall fail to attend a regular meeting of the board, or refuse to act, as a member thereof, after being notified of his appointment, he shall pay a fine of not less than twenty nor more than fifty dollars, to be applied as hereinafter directed : *Provided always*, that the said board shall have power to exonerate him from the payment of any fine, if they deem his excuse a sufficient one.

Sec. 14. *And be it further enacted,* That it shall be the duty of the clerk of the board of commissioners, on or before the first day of the terms of each circuit court to deliver to the clerk of said circuit court a certified transcript of the minutes of the said board of commissioners, so far as the same may relate to the returns made by each commissioner thereof, which said certified transcript, the said clerk of the circuit court shall deliver to the solicitor of the first judicial district, whose duty it shall be to lay the same before the grand jury of the county, with such explanation as the nature of the case may require, and the exhibition of such testimony as he may have it in his power to adduce against all overseers, commissioners and other persons, who may have been remiss in the performance of their duty; and thereupon, the said grand jury shall true presentment make of all offenders against the provisions of this act; and it shall be the duty of said court to issue a capias forthwith, against the body or bodies of the offender or offenders, and on their appearance to try the issue without any indictment or information being filed, and if the person presented be found guilty or be in default to award a fine of not less than twenty nor more than one hundred dollars.

Clerk of comm'rs to deliver a transcript of the minutes of the board to clerk circuit court.

Sec. 15. *And be it further enacted,* That the board of commissioners, shall have power and authority to frame all necessary by-laws and regulations for the government of such board; *provided* the same be not repugnant to the constitution and laws of this state and of the United States.

Power to make by-laws, &c.

Sec. 16. *And be it further enacted,* That the judge of the county court, the commissioners of revenue and roads, the board of commissioners of roads, highways, bridges and ferries, the clerk of the board, ministers of the gospel, keepers of public mills and ferries, teachers and students in academies or schools, principal and assistant postmasters, and all seafaring persons actually engaged in the merchant service of the United States, shall be exempted from working on the public roads.

Persons exempted from working on roads.

Sec. 17. *And be it further enacted,* That the board of commissioners shall have power to determine the length of the term, which the overseer shall serve: *Provided however,* the same shall not exceed two years; and both the commissioners and overseers shall during the term of their appointments be exempt from militia duty and from serving on juries, but shall receive no pecuniary compensation for their services. And if any person who shall have been appointed commissioner or overseer, shall refuse to serve and perform the duties required of him by the provisions of this act, he shall be subject to a fine of fifty dollars, to be applied as hereinafter directed. All penalties under this act, may be recoverable in any court in the county, having competent jurisdiction thereof, at the suit of the president in behalf of the board of commissioners.

Commis'ers to determine how long overseer shall serve.

Sec. 18. *And be it further enacted,* That the board of com-

missioners shall have authority to decide, what shall be considered nuisances on roads and highways, and decree the penalties to be inflicted on those that are culpable in such cases; and when such decrees are published in one or more of the public newspapers, printed in the city of Mobile, they shall have all the force of laws.

Sec. 19. *And be it further enacted,* That the amount of labor upon the roads, required of every slave holder, shall be in the ratio of one days work each year, for every two dollars state and county tax, he or she may be assessed. Persons not owning slaves, but possessing real estate, shall bestow labor on the roads in the ratio of one day's work each year for every three dollars state and county tax, he or she may be assessed. Persons liable to militia duty, and free males of color who have no property, or whose state and county tax does not amount to six dollars, shall work three days in each year on the roads. No negro or other labourer shall be received as a competent hand, unless he or she be capable of performing an able man's work. Any person neglecting to work upon the roads when required so to do by the overseer of the district, in which he or she resides, shall for each day's work, which he or she so neglects to bestow, pay a fine of one dollar. But if any person of whom such work is required should be absent, and should not have appointed an agent to comply with such requisition of the overseer, he or she shall for each day's work he or she shall so neglect to bestow, pay a fine of two dollars; and it shall be the duty of the overseer to make out in writing a statement of the number of day's work which the law requires of such delinquent persons, and the amount of the fines respectively, which such persons have incurred, which he shall deliver to the president of the board of commissioners, who on examining and finding no error, or correcting any error therein, shall pass it to the collector of the state and county tax: and it shall be the duty of said collector to collect the same in the manner that the law prescribes for collecting other taxes: he being allowed the same compensation therefor as he is entitled to by law upon other collections; and the said collector shall immediately pay over all fines so collected to the county treasurer, who shall keep a separate account of the same, and the monies arising therefrom and from the penalties which may be recovered under this act, are hereby set apart as a fund to be exclusively appropriated under the superintendence and order of the said board of commissioners for the purpose of aiding in the opening and repairing of roads, the building and repairing of bridges, and for such other purposes of internal improvement, connected with the roads, highways, bridges, and ferries in said county, as the said board in their discretion may deem expedient or necessary. And the said board shall have power to draw money from the said fund, on the certificate of the president of the board,

Amount of
labor requi-
red from
persons du-
ring the
year.

Fines for
not working
on roads, &
how collec-
ted.

under the order thereof; and it shall be the duty of the county treasurer to publish in one of the newspapers, printed in the city of Mobile, the amount of such receipts, and of whom the same was collected in the week immediately preceding the first Monday of January in each and every year.

Sec. 20. *And be it further enacted*, That it shall be the duty of the overseers to require every person in their respective districts to furnish on each day, that he or she is required to work upon the road, a number of hands equal to one fifth of the amount of labor required of such persons per year.

Sec. 21. *And be it further enacted*, That it shall be the duty of the sheriff of Mobile county by himself or deputy to attend the meetings of the board of commissioners, and execute all orders of said board, for which he shall receive the sum of four dollars per day, for each and every day he shall so attend.

Sh'ff of Mobile county to attend meetings of the board.

Sec. 22. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act, so far as they respect the county of Mobile, are hereby repealed.

Repeal.

(Approved, December 24, 1824.)

AN ACT

To alter the time of appointing overseers of roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the passage of this act the overseers of roads in this state shall be appointed on the third Monday in August in each and every year, any law contravening the provisions of this act, be and the same is hereby repealed.

Overseers of roads when appointed.

Sec. 2. *And be it further enacted*, That the judge of the county court and commissioners of revenue and roads shall hold their courts on the third Monday in August in each and every year, instead of the first Monday in August, as now provided for by law.

Commissioners court changed.

Sec. 3. *And be it further enacted*, That so much of the sixth section of an act, entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, passed December the twenty-first, one thousand eight hundred and twenty, as makes it the duty of every person appointed overseer of a road, to notify the clerks of their county courts of their acceptance or refusal to act as such, be and the same is hereby repealed.

Sec. 4. *And be it further enacted*, That so much of an act supplementary to the several acts in relation to highways, bridges and ferries, passed December the twelfth, eighteen hundred and twenty, as provides that the same shall only extend to the counties of Mobile and Baldwin, be and the same is hereby repealed.

Sec. 5. *And be it further enacted*, That no license shall be granted by any county court, to any person to erect a

toll bridge within three miles by water of any toll bridge already established on the same water course.

Officers of
incorporat-
ed towns to
appoint ov-
erseers.

Sec. 6. *And be it further enacted*, That the corporate officers in all the incorporated towns in this state, shall appoint overseers on the roads and streets in said towns, and when the hands and overseers are exempt from working on the public roads beyond the limits of said towns, it shall be the duty of the grand juries of the counties in which said towns are situated, to present all overseers of streets in said towns for failing to keep the principal roads and streets in the incorporated towns in good repair; and the overseers in said towns shall be prosecuted in the same manner and subject to the same penalties as overseers of public roads in this state; and the books and records of said incorporated towns shall be legal evidence of the appointment of the overseers and the establishment of streets and alleys in said towns.

Hands ap-
portioned.

Proviso.

Sec. 7. *And be it further enacted*, That when hands are warned to attend and open any new road, and the overseer of any road to whom said hands are apportioned, shall warn the hands to work on the same day on the road to which the hands are apportioned, it shall be the duty of the hands to work on the road on which they are first warned: *Provided*, That nothing in this act contained, shall be so construed as to apply to, or in any manner affect any corporate town in this state for which there are special legislative enactments in relation to the streets thereof.

Apportion-
ers of hands
to return
list of ap-
portionm't

Sec. 8. *And be it further enacted*, That after the passage of this act the apportioners appointed in each captain's beat, shall apportion all hands in their respective beats liable to work on public roads, to such roads as they may think proper, within the distance now prescribed by law, and return a list of the hands so apportioned to the overseer or overseers of such public roads within ten days after their being notified of their appointment.

Sec. 9. *And be it further enacted*, That hereafter all male slaves over the age of sixteen years and under the age of fifty years shall be liable to work on public roads.

Overseer to
notify clerk
of accept-
ance.

Sec. 10. *And be it further enacted*, That hereafter it shall be the duty of each and every overseer of any public road in this state to notify the clerk of his non-acceptance, within ten days after his being notified of his appointment, and on failure to do so, it shall be considered an acceptance of his appointment; and it shall moreover be the duty of the clerk to insert on the commission the duties required of overseers in respect to his non-acceptance, any law to the contrary notwithstanding.

Apportion-
ers exempt
for a limited
time.

Sec. 11. *And be it further enacted*, That all apportioners shall, after the passage of this act, be exempt from working on roads for the term of twelve months, and that on failure of any apportioner to perform the duties required of him he shall be liable to a penalty of twenty dollars.

Sec. 12. *And be it further enacted*, That the citizens of the town of Hazelgreen shall be, and they are hereby exempt from working on any road or roads without the corporate limits of said town, but shall be liable to work on and keep in good order and repair all roads and streets within the corporate limits of said town.

Citizens of Hazelgreen exempt from road duty beyond corporate limits.

Sec. 13. *And be it further enacted*, That no person residing without the corporate limits of said town shall be liable to work on any road or street within the corporate limits of said town, any former laws to the contrary notwithstanding: *Provided*, That nothing contained in this or any other act on the subject of roads, highways and ferries, except the act concerning roads, highways, bridges, and ferries, in the county of Mobile, shall be construed to extended to said county.

Proviso.

(Approved, December 24, 1824.)

AN ACT

To establish the Mobile Society of Literature.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That a society to consist of the following persons, viz: Chester Root, Ezekiel Webb, Sol. Mordecai, G. J. Mills, F. B. Deshons, R. J. Easter, T. Sanford, Benj. J. Randall, Wm. J. Ingersoll, J. W. Moore, Henry Stickney, Ben. Brent Breedin, John Fitzgerald, Wm. Bell, Jas. Wiswall, William Hale, Silas Dismoor, Thos. L. Carthy, John B. Warren, Hugh H. Rolston, T. L. Hallett, Henry V. Chamberlain, Josiah Wilkins, Curtis Lewis, J. H. Hyde, John S. Livingston, W. H. Hubbard, John Archer, James P. Bates, Robert Carr Lane, C. A. Henry, S. H. Garrow, W. Barton, T. T. Holt, A. F. Stone, J. Dowell, Den'n Darling, H. P. Benham, A. W. Gordon, L. Judson, Jer. Rea, H. Bright, Geo. E. Holt, T. Griffin, Silas Dinsmore, jr., Dan'l Moore, Philip M'Losky, Geo. Green, W. R. Hallett, John F. Everitt, John B. Bass, Wm. Austin, Charles A. Tufts, Wm. H. Robertson, James Campbell, J. B. Nixon, P. V. A. Lyle, G. Davis, John Morris, jr., S. H. Thompson, G. Griffin, John Elliott, A. B. Smoot, Chas. Haine, John W. Townsend, Richard Corre, and Peter H. Hobert, shall be, and hereby is established in the city of Mobile; the members of which, their associates, successors and assigns, shall constitute a body politic and corporate, with perpetual succession, by the name and style of *The Mobile Society of Literature*, and by that name shall be able and capable to sue and be sued, implead and be impleaded, defend and be defended, in all suits and actions, both in law and equity, and to act, receive and do all acts as natural persons; to purchase, hold and retain property real, personal and mixed, and the same to grant, alien, lease, sell, dispose of and convey; and to have and use a common seal, which may be broken or altered at pleasure.

Mobile Society of Literature established.

Its powers.

Sec. 2. *And be it further enacted*, That the rights and pri-

vileges of membership shall be obtained and forfeited, in whole or in part, in such manner and for such causes as may be prescribed by the laws and regulations of the society.

Fifteen directors to be elected.

Their power

Sec. 3. *And be it further enacted*, That for the government and management of said society, there shall be annually elected by the members, fifteen directors, who shall hold their offices for one year; and until their successors be duly qualified, five of whom shall constitute a quorum to do business, and the board of directors shall elect one of their own number president of the board; and in his absence any other member may be designated, *pro tempore*, to perform the duties of president; and the said board shall have power at all times to make, prescribe, and put in force such by-laws and regulations, not repugnant to the constitution and laws of this state, and the constitution and laws of the United States, for the government and regulation of said society as to them may seem expedient, and the same to revoke and alter.

Directors when elected.

Sec. 4. *And be it further enacted*, That the society shall have the power to establish an Athæneum and Forum, or either of them, as branches of said society or otherwise.

Sec. 5. *And be it further enacted*, That the directors shall be elected on the first Monday in November, in each year: *Provided*, That if from any cause, such election should not be held on that day, or should be incomplete, an election may be holden within one month thereafter, for the completing the whole number of the board.

Board of directors have power to appoint subordinate officers.

Officers to give bond.

Sec. 6. *And be it further enacted*, That the board of directors shall have the power to constitute and appoint such subordinate officers as to them may seem expedient, who shall hold their offices during the pleasure of the directors: And whenever a vacancy happens in the board of directors, after the annual election, it shall be filled by the directors then in office; and the persons thus chosen to fill such vacancies shall hold their offices for the remainder of the term: And the officers appointed by the board shall give such bonds to the society and in such sums for the faithful performance of the duties of their respective offices, as may be required by the by-laws and regulations of said society, which bond or bonds for any breach of covenant contained therein may be sued in any court as bonds usually are.

Sec. 7. *And be it further enacted*, That all elections shall be conducted in such manner as may be prescribed by the by-laws and regulations of the society; and an election for officers to serve till the first annual election shall take place as soon as may be, a meeting for that purpose being notified in a public newspaper by any five of the members.

(Approved, December 14, 1824.)

AN ACT

Declaring Cotaco in Morgan County a public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly con-*

vened, That Cotaco river, in Morgan county, from John Wallis' bridge and up the same to the fork, is hereby declared a public highway, and any person obstructing the free navigation of the same between the points herein mentioned, by felling of timber or otherwise, such person or persons, shall forfeit and pay the sum of two dollars for each and every day the same may be permitted to remain in the said stream, to be recovered in any court having cognizance thereof, one half to the person suing for the same, and the other half to the county; *provided*, that the county court of Morgan county, shall not have power to compel hands to work in opening or improving the navigation of said river.

Cotaco river
er a public
highway.

Sec. 2. *And be it further enacted*, That nothing contained in the first section of this act, shall be so construed as to prevent any person who may own land between the above named points on said river, from erecting a mill or other water works thereon.

Mills may
be erected.

(Approved, December 14, 1824.)

AN ACT

Declaring Flint River in Morgan County a public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Flint river in Morgan county from Middleton Ford's mills, up the same to the hickory log ford, is hereby declared a public highway, and any person obstructing the free navigation of the same between the points herein mentioned, by felling of timber or otherwise, such person or persons shall forfeit and pay the sum of two dollars for each and every day the same may be permitted to remain in the said stream, to be recovered in any court having cognizance thereof, one half to the person suing for the same, and the other half to the county: *Provided*, That the county court of Morgan county shall not have power to compel hands to work in opening or improving the navigation of said river.

Flint river
a public
highway

Sec. 2. *And be it further enacted*, That nothing contained in the first section of this act, shall be so construed as to prevent any person who may own land between the above named points on said river, from erecting a mill or other water works thereon.

Mills may
be erected.

(Approved, December 15, 1824.)

AN ACT

To declare Beaver creek, in Wilcox county, a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Beaver creek, in Wilcox county, from Sheffield's mills on said creek, to the confluence of the same with the Alabama river, be, and the same is hereby declared a public highway: *Provided*, that nothing in this act shall be so construed as to prevent any person from building mills or any other water works on said creek, who may own land or may hereafter own land on the creek aforesaid.

[Approved, December 20, 1824.]

AN ACT

To exempt the citizens of the town of Elyton in Jefferson county, and the town of Sommerville in Morgan county, and the town of Tuscumbia in Franklin county, from working on any road beyond the limits of said towns.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That from and after the passage of this act, all persons resident within the limits of the corporation of the town of Elyton, who are by law liable to work on roads, be, and they are hereby exempted from working on any road or roads without the limits of the corporation of the town of Elyton.

Citizens of Elyton exempt from working on roads out of the limits of said town.

Sec. 2. *And be it further enacted,* That the intendant and town council of Elyton, are hereby declared to possess, and are invested with all the powers and privileges which the judge of the county court and commissioners of roads may have in respect to public roads, and are hereby empowered to enforce the same in the limits of the town of Elyton, and no further.

Town council have jurisdiction over roads of the town.

Sec. 3. *And be it further enacted,* That no persons residing beyond the limits of the town of Elyton, shall, after the passage of this act, be required to work on any road or street within the corporation limits of the town of Elyton.

Citizens of Som'erville exempt.

Sec. 4. *And be it further enacted,* That from and after the passage of this act, all persons resident within the limits of the corporation of the town of Sommerville, in Morgan county, who are by law liable to work on roads, be, and they are hereby exempted from working on any road or roads without the limits of the corporation of the town of Sommerville.

Town trustees have jurisdiction over roads of said town.

Sec. 5. *And be it further enacted,* That the president and trustees of Sommerville, are hereby declared to possess, and are invested with all the powers and privileges which the judge of the county court and commissioners of roads may have in respect to public roads, and are hereby empowered to enforce the same in the limits of the town of Sommerville, and no further.

Sec. 6. *And be it further enacted,* That no person residing beyond the limits of the town of Sommerville, shall, after the passage of this act, be required to work on any road or street within the corporate limits of the town of Sommerville.

Sec. 7. *And be it further enacted,* That from and after the passage of this act, all persons resident within the limits of the corporation of the town of Tuscumbia, in Franklin county, who are by law liable to work on roads, be, and they are hereby exempted from working on any road or roads, without the limits of the corporation of the town of Tuscumbia.

Citizens of Tuscumbia exempt.

Town trustees have jurisdiction over roads of said town.

Sec. 8. *And be it further enacted,* That the president and trustees of Tuscumbia, are hereby declared to possess, and are invested with all the powers and privileges which the judge of the county court and commissioners of roads may

have in respect to public roads, and are hereby empowered to enforce the same in the limits of the town of Tuscumbia, and no further.

Sec. 9. *And be it further enacted*, That no person residing beyond the limits of the town of Tuscumbia, shall, after the passage of this act, be required to work on any road or street within the corporate limits of the town of Tuscumbia.

[Approved, December 22, 1824.]

AN ACT

To exempt persons from working on a certain State Road, at a greater distance from their places of residence, than if the same were a County Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That no person residing in Bibb county, shall be required to work on the state road running through said county, at a greater distance from his place of residence, than if the same was a county road, any law to the contrary notwithstanding.

[Approved, December 24, 1824.]

AN ACT

To amend an act, entitled "An act to establish a Public Road from Ditto's Landing to Marston Mead's, in Blount County, passed December 30th 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That so much of the sixth section of the before recited act, as limits the time for Tobias Dearick and his associates to commence and complete the aforesaid road, be, and the same is hereby repealed; and the said Tobias Dearick and his associates, shall have the further time of two years from and after the passage of this act to complete the said road. Time allowed T. Dearick, &c. to complete the road.

Sec. 2. *And be it further enacted*, That the provision in the fourth section of the above recited act, be, and the same is hereby repealed; *provided*, the said Tobias Dearick, and his associates shall complete the same within the time fixed by this act, in such order that waggon's of twenty-five hundred pounds burden can pass the same at all times with convenience; to be decided by the commissioners appointed by the fifth section of the act, to which this is an amendment: *And provided further*, that the citizens of Morgan and Blount counties, living within five miles of said road, shall not be required to pay toll for travelling on said road a less distance than ten miles. 4th section repealed.
Proviso.

Sec. 3. *And be it further enacted*, That whenever it shall be made appear, to the satisfaction of the county court of Blount or Morgan counties, the said road is not kept in such repair as contemplated by the fourth section of this act, they shall order the turnpike gates to be opened, and no toll shall be demanded by the said Tobias Dearick and his associates, under the penalty of paying twenty dollars for each and every such demand, to be recovered before any court having cognizance of the same, one half to the Road to be kept in good repair.
Penalty.

Proviso.

informer, and the other to be paid into the county treasury of Blount county; and it shall not be lawful for them again to open said road, but by order of the county court of Morgan, after the same has again been received by commissioners appointed by said court, which commissioners shall be paid as provided for in the fifth section of the act, to which this is an amendment: *Provided*, that nothing herein contained, shall be so construed as to take from the state the right of establishing a state road on the same ground, after paying Tobias Dearick, and his associates a reasonable compensation for their services, to be ascertained by commissioners appointed by the state.

[Approved, December 24, 1824.]

AN ACT

To Incorporate the Minette Bridge Company.

Minette
bridge com-
pany incor-
porated.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Louis Dolives, Uriah Blue, Louis Stark, and their associates and successors, are hereby constituted and appointed a body politic, under the corporate name and style of the Minette Bridge Company, to possess and enjoy all the right, privileges, and immunities of a body politic and corporate, with full, and ample power, and authority to exercise the same.

Company
authorised
to erect a
bridge.

Sec. 2. *And be it further enacted*, That the said company is hereby authorised to erect a bridge across the bayou Minette, below the mouth of the English branch, upon a road which may be opened between the town of Blakeley, and village of Belle-Rose, in the county of Baldwin, and to demand and receive the same tolls as are granted by law to the Bridge Company in and for the town of upper Tuska-loosa.

Bridge to
be kept in
good repair

Company
how liable.

Sec. 3. *And be it further enacted*, That it shall be the duty of said company to keep said bridge when erected in good order and repair, as long as the same shall be continued as a toll bridge, and they shall be deemed and held liable for all injuries which may be sustained by any person or persons passing or re-passing said bridge: *Provided*, said injury results from the negligence, or want of proper attention to the good order and repairs of said bridge.

(Approved, December 22, 1824.)

AN ACT

For the relief of Joseph Burleson.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Joseph Burleson and his associates, be, and they are hereby allowed until the twenty-fifth day of December, eighteen hundred and twenty-five, to open and complete a turnpike road, leading from Suttan's Gap, in Lawrence county, to intersect the Military road, near Pikesville, in Marion county, in conformity with a law passed December the twenty-fourth, eighteen hundred and twenty-three,

entitled "An act to amend an act entitled an act to establish a turnpike road, leading from Lawrence county, to the Military road, near Pikesville, in Marion county, passed twenty-sixth December: eighteen hundred and twenty-two," any thing in the third section of said act to the contrary notwithstanding.

[Approved, December 14, 1824.]

AN ACT

To repeal in part, and amend an act entitled, "An act to Incorporate the Murder Creek Navigation Company, passed December 15th, 1821, and for other purposes."

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That from and after the passage of this act, Murder Creek, in the county of Conecuh, south of the line dividing townships six and seven, in range ten, to its confluence with Conecuh river, be, and the same is hereby declared a public highway.

Sec. 2. *And be it further enacted,* That if any person or persons shall in any wise obstruct the navigation of said stream by cutting or felling any tree or trees (without immediately removing the same,) such person or persons shall forfeit and pay the sum of five dollars for every such offence, and the further sum of three dollars for every day the same may be suffered to remain in said stream, to be recovered in any court having cognizance thereof, one half to the person suing for the same, and the other half to the navigation company of said creek.

Penalty for obstructing navigation.

Sec. 3. *And be it further enacted,* That subscription books shall be opened at the town of Sparta, on the first day of February next, or as soon thereafter as convenient, under the superintendence of Henry Hunter, John Green, George Bowie, and Eldridge S. Greening, for the purpose of receiving subscriptions, to be applied as hereinafter mentioned, and the said books shall be kept open until the first day of May next ensuing: *Provided,* the amount subscribed, shall not exceed the sum which may be deemed sufficient by the president and directors of the Murder Creek Navigation Company, to extend the navigation of said creek to the highest practicable navigable point within the limits before mentioned.

Subscription books to be opened.

Sec. 4. *And be it further enacted,* That the amount subscribed as aforesaid, shall be divided into shares of twenty-five dollars each, which shall be paid as follows, to wit: one eighth part thereof at the time of subscribing, three eighths when the president and directors shall declare that half the distance of said creek between the points undertaken to be cleared out is navigable, and the remainder shall be divided into two equal instalments, one of which shall be paid when the said creek shall have been accepted as a navigable one, and the other instalment four months thereafter. *Provided,* that if any stockholder shall neglect and

Amount how divided

Money paid
how forfeit-
ed.

Company
may sue &
be sued.

Election for
directors
how held.

Presid't to
give notice
that propo-
sals for clear-
ing out the
creek will
be received

The person
employ'd to
give bond.

Contracts
binding.

refuse to pay any instalment that may be due from him according to his subscription, he shall forfeit to the benefit of the company whatever sum he may have paid; and as soon as a sufficient sum may be raised as aforesaid, for the purpose aforesaid, the subscribers, their successors, and assigns, shall be, and are hereby constituted a body politic, by the name and style of The President and Directors of the Murder Creek Navigation Company, and shall by that name be capable and liable in law to sue, and be sued, plead, and be impleaded, answer, and be answered, defend and be defended, in any matter suit or action, depending in any court of law or equity.

Sec. 5. *And be it further enacted*, That so soon as the amount as aforesaid may be subscribed, the superintendants shall give twenty days notice of the time and place of holding an election, for the purpose of electing seven directors, which election shall be held under the direction of any two of the superintendants, who shall be on oath to conduct such election fairly and impartially, and the stockholders shall be entitled to vote upon the following principle, to wit: for each and every share, one vote: *Provided*, no person, co-partnership or body politic, shall be entitled to more than five votes, and the directors so elected, shall continue in office for the space of one year.

Sec. 6. *And be it further enacted*, That so soon as the company is organized, and have appointed such officers as are required by the act, to which this is an amendment, the president of said company shall cause it to be made known in the county of Conecuh, that on a day to be mentioned in said notice, proposals will be received by said company from any person or persons for clearing out and making the said creek navigable, and the said president and directors are hereby fully empowered to contract with any such person or persons, upon such terms as they may think best calculated for the interest of the company, and to carry into effect the object of the incorporation; and the person or persons employed by the said company for the purpose aforesaid, shall be required to give bond and security in the sum of four thousand dollars, for the faithful performance of his or their contract within such time as the president and directors may prescribe.

Sec. 7. *And be it further enacted*, That all such contracts, agreements and obligations as may or have been entered into between individuals, or an individual with individuals for the purpose of carrying into effect the object of this act, be and the same is hereby declared legal, and of the same validity, as if they had been entered into in conformity with, and subsequent to the passage of this act; and that all acts or parts of acts contrary to the provisions of this act, be, and the same are hereby repealed.

[Approved, December 23, 1824.]

To divide the thirty-second Regiment of the Militia of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the thirty-second regiment of the militia of this state, in the county of Perry, be, and the same is hereby divided as follows, to wit: The battalion on the east side of the Cahawba river shall form one regiment, to be known and designated by number forty-four: and the battalion west of the Cahawba river shall compose a regiment and still retain the original number, thirty-two. Each of the aforesaid regiments shall be, and are hereby attached to the sixth brigade.

In Perry the
Cahawba ri-
ver divides.

Sec. 2. *And be it further enacted,* That the colonel commandant and lieutenant colonel, and all other commissioned officers in the regiment thirty-two, west of the Cahawba river, shall retain their commissions and commands in said regiment; and the officers in said regiment, at a court martial, shall divide said regiment in such a manner into battalions as they may deem expedient; and the colonel commandant as soon as said regiment is divided into battalions, shall order an election for a major, giving such notice and making such return of said election as is now prescribed by law: *Provided,* that the colonel commandant shall convene the officers of said regiment aforesaid, by giving thirty days notice, at five or more public places in said regiment, of the time and place of holding said court martial.

Officers to
retain their
rank,

Sec. 3. *And be it further enacted,* That the major and all commissioned officers residing in regiment number forty-four, east of Cahawba river, in the county aforesaid, shall retain their respective commands, and divide said regiment into battalions; and the major thereof, shall convene a court martial, hold an election for colonel commandant, and lieutenant colonel; and give the notices as required by the second section of this act, and shall also certify as now required by law, the persons elected, to the secretary of state; and the persons thus elected shall be commissioned by the Governor accordingly.

And fill va-
cancies.

[Approved, December 20th, 1824.]

AN ACT

To establish an additional election precinct in the counties of Lawrence and Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That there shall be an additional election precinct in the county of Lawrence, to be held at the mill of John Brahan, on Town creek, in said county, which additional election precinct is hereby established.

Sec. 2. *And be it further enacted,* That an additional election precinct be established at the house of Joseph Barton, in Walker county.

[Approved, December 25, 1824.]

AN ACT

For the more effectual distribution of the Journals of the Senate, and of the House of Representatives.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That from and after the passage of this act it shall be the duty of the judges of the county courts in the several counties in this state, immediately on the receipt of the journals of the senate and of the house of representatives, to cause the same to be deposited at the several places appointed for holding elections for senators and representatives, in proportion to the number of votes given in at each election precinct.

Journals to
be deposit-
ed at elec-
tion pre-
cincts.

Sec. 2. *And be it further enacted,* That the judges of the several county courts be, and they are hereby, authorised to draw on the county treasury of their respective counties, for such amount as may be necessary to carry this act into effect, and it shall be the duty of the county treasury, respectively, to pay the same so drawn for, out of any money in the treasury not otherwise appropriated.

(Approved, December 24, 1824.)

AN ACT

To establish certain election precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That there shall be an additional election precinct at the house of John E. Sentell, in the county of Covington.

Covington.

Sec. 2. *And be it further enacted,* That the election precinct established at the house of Larkin R. Rogers, in Morgan county, be, and the same is hereby discontinued.

Morgan.

Sec. 3. *And be it further enacted,* That an election precinct is hereby established at the house of Francis Dancy, in Morgan county; which shall be holden at the same time and under the superintendence of inspectors appointed in the same manner as is prescribed by the act, entitled "An act to amend and reduce into one the several acts regulating elections.

Ibid.

Sec. 4. *And be it further enacted,* That the election precinct at R. Carroll's, in Perry county, be, and the same is hereby abolished; and in lieu thereof, there shall be an election precinct at John Barron's store.

Perry.

Sec. 5. *And be it further enacted,* That the election precinct heretofore established at the house of Daniel Hardy's, in Dallas county, be, and the same is hereby discontinued; and one established at the house of William Day, in said county; and that a precinct heretofore established at Fort Crawford be discontinued, and that a precinct be established at Cotton's Bluff, in Conecuh county.

Dallas

Conecuh

Sec. 6. *And be it further enacted,* That the election precinct at Coosada, in Autauga county, be, and the same is hereby abolished, and an election precinct is hereby established at the house of Peter Hagler in said county.

Autauga.

Sec. 7. *And be it further enacted*, That the election precinct heretofore established at the house of Charles M. Holland, in Pickens county, be, and the same is hereby abolished; and that hereafter, there shall be an additional election precinct at John Davidson's in said county. Pickens.

Sec. 8. *And be it further enacted*, That there shall be established an additional election precinct at the house of Henry Derrick, in the county of Jackson. Jackson.

(Approved, December 24, 1824.)

AN ACT

To establish certain election precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the election precinct heretofore established at the house of Robert Lewis in the county of Mobile, be, and the same is hereby discontinued; and that the following election precincts, be, and the same are hereby established in said county, to wit: one at the house of James Johnston, in the northern district; one at the house of Barthelami Grelot, in the southern district; and one at the house of John Baptiste Lamy on Dauphin Island; and also one at Spring Hill. Mobile.

Sec. 2. *And be it further enacted*, That the election precinct heretofore established at the house of Joseph Vann in Dallas county, be and the same is hereby discontinued; and that an election precinct in lieu thereof, be and the same is hereby established at the house of John J. McElroy in said county. Dallas.

Sec. 3. *And be it further enacted*, That an additional election precinct, be and the same is hereby established at the house of James W. Mann, on Limestone creek, in Monroe county. Monroe.

Sec. 4. *And be it further enacted*, That there shall be two additional election precincts established in the county of Madison, one at the grocery of captain George Petty on the township road where James Erwin formerly lived, one at the house of Rodgers and Hart where John G. Veitch formerly lived, on the road from Huntsville to Triana. Madison.

Sec. 5. *And be it further enacted*, That the election precinct heretofore established at the house of Jacob Dyre in the county of Pike, be and the same is hereby discontinued, and that one election precinct be established in lieu thereof at the house of James Buckalieu, and that an additional election precinct be, and the same is hereby established at the old court house in Pike county. Pike.

Sec. 6. *And be it further enacted*, That the election precinct heretofore established at the house of John G. Morgan in the county of Henry, be and the same is hereby discontinued, and that an election precinct be established at the store house of James Bennett in lieu thereof. Henry.

Sec. 7. *And be it further enacted*, That an additional election precinct be, and the same is hereby established at the house of William Kennedy in the county of Marion. Marion.

Pickens

that the precinct heretofore established at the house of Robert Bridges in the county of Pickens, be, and the same is hereby discontinued, and in lieu thereof, there be an election precinct at the house of Obediah Fields in said county.

Jefferson

Sec. 8. *And be it further enacted,* That an election precinct be, and the same is hereby established at the house of Geo. Brown on the Warrior river in Jefferson county.

Butler

And be it further enacted, That the election precinct heretofore established at the house of Joseph Ship in Butler county be, and the same is hereby discontinued, and that an election precinct be, and is hereby established at the house of John Ard in said county.

St. Clair

Sec. 10. *And be it further enacted,* That the election precinct heretofore established at the house of John Littlefield in the county of St. Clair, is hereby discontinued, and in lieu thereof there shall be, and is hereby established an election precinct in said county at the house of Jehu Littlefield in said county.

Franklin

Sec. 11. *And be it further enacted,* That an election precinct be, and is hereby established at the house of Christopher Tompkins in the county of Franklin.

Conecuh

Sec. 12. *And be it further enacted,* That an election precinct be established in the county of Conecuh at the house of John W. Mayho at Cotton's bluff, and that the election precinct heretofore established at the house of John J. Garrison at Fort Crawford, in said county, be, and the same is hereby discontinued.

Baldwin

Sec. 13. *And be it further enacted,* That an election precinct be, and the same is hereby established at the brickery of Nicholas Weeks, in the county of Baldwin.

Blount

Sec. 14. *And be it further enacted,* That there shall be the following additional election precincts in the county of Blount, as follows, one at the house of Alfred Beeson, one other at the house of William Stewart in Brister's cove, and one at the house of George D. Staton; and that the election precinct heretofore held at the house of Jesse Watson be discontinued, and in lieu thereof the election precinct shall be at the house of James Nailor.

Tuscaloosa

Sec. 15. *And be it further enacted,* That there shall be, and is hereby established an additional election precinct at the house of William Berry, in the county of Tuscaloosa.

Marengo

Sec. 16. *And be it further enacted,* That there shall be and is hereby established an additional election precinct at the house of John H. Martin in the county of Marengo on Turkey creek.

Bibb

Sec. 17. *And be it further enacted,* That an additional election precinct be established in the county of Bibb, at the house of captain James Martin in said county.

Fayette

Sec. 18. *And be it further enacted,* That an additional election precinct be, and the same is hereby established at the house of Nicholas Chavanaugh in Fayette county.

Wilcox

Sec. 19. *And be it further enacted,* That there shall be an

additional election precinct at the house of Daniel Rossers,
in the county of Wilcox. (Approved, December 24, 1824.)

AN ACT

To provide for the better organization of the Militia of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That from and after the passage of this act, the sixth, thirty-ninth and forty-third, regiments of the militia of this state, composed of the counties of Morgan and Walker, be and they are hereby formed into a separate brigade, to be called the twelfth brigade, which shall be attached to, and form a part of the second division of militia of this state, and it shall be the duty of the major general of said division, and he is hereby required to issue his order for an election to be held agreeable to the laws of this state, on the first Monday in May next, for a brigadier general to command said brigade. Twelfth
brigade

Sec. 2. *And be it further enacted,* That the twenty-fourth, fortieth, and twenty-third regiments of the militia of this state, be, and they are hereby formed into a separate brigade, to be called the thirteenth brigade, which shall be attached to, and form a part of the third division of militia of this state, and it shall be the duty of the major general of said division, and he is hereby required to issue his order for an election to be held, agreeable to the laws of this state, on the first Monday in May next, for a brigadier general to command said brigade. Thirteenth
brigade

[Approved, December 25, 1824.]

AN ACT

To repeal so much of an Act as requires persons to swear they will not retail Spirituous Liquors to Indians.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the second section of an act, passed December sixteenth, eighteen hundred and sixteen, entitled "An act to prevent the sale of spirituous liquors to Indians," be, and the same is hereby, repealed.

[Approved, December 25, 1824.]

AN ACT

To alter the third, fourth and fifth Judicial Circuits, and to fix the time of holding the courts therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the county of Pickens, be, and the same is hereby attached to the third judicial circuit; the county of Fayette to the fourth, and the county of Blount to the fifth.

Sec. 2. *And be it further enacted,* That the circuit courts of the third judicial circuit shall hereafter commence at the periods following, viz. in the county of Greene on the third Mondays of February and September, which may be held for two weeks; in the county of Pickens on the first Mondays after the fourth Mondays of February and September which may be held one week; in the county of Tuscaloosa Time of holding
courts
in the third
circuit

on the second Mondays after the fourth Mondays of February and September, which may be held two weeks; in the county of Jefferson on the fourth Mondays after the fourth Mondays of February and September, which may be held one week; in the county of St. Clair on the fifth Mondays after the fourth Mondays of February and September, which may be held one week; and in the county of Shelby on the sixth Mondays after the fourth Mondays in February and September, which may be held one week.

Extra term
in Jefferson
county

Sec. 3. *Be it further enacted*, That an intermediate circuit court shall, and is hereby required to be held in, and for the county of Jefferson, on the seventh Monday after the fourth Monday of February next, to continue until all the cases are tried or disposed, that may not be tried or disposed of at the first term as fixed by this act, in the same manner as if the same had been done at the said term.

Sec. 4. *And be it further enacted*, That the circuit courts for the county of Fayette, shall be held on the sixth Mondays after the fourth Mondays of March and September, and may be held one week.

Time of holding
courts
in fifth circuit

Sec. 5. *And be it further enacted*, That the circuit courts of the fifth judicial circuit of this state, shall commence at the periods following, viz. in the county of Walker on the first Mondays of April and October, which may be held one week; in the county of Blount on the second Mondays of April and October, which may be held one week; in the county of Morgan on the third Mondays of April and October, which may be held one week; in the county of Jackson on the fourth Mondays of April and October, which may be held one week; and in the county of Madison on the first Mondays after the fourth Mondays of April and October.

Returns
how made

Sec. 6. *And be it further enacted*, That all process and precepts of whatsoever nature which may have been issued, returnable to any of the terms of the said courts, as heretofore established, shall be returned to the respective terms of the said courts respectively, as are established by this act; and that all process of whatsoever nature, issued from the circuit courts of Greene county, and made returnable on the last Monday in February next, shall be returned to the third Monday of said month, and be good and effectual, for all the purposes intended by said process.

Madison
county c't

Sec. 7. *And be it further enacted*, That the county courts for the county of Madison shall be hereafter held on the first Monday in February and second Monday in August, in each and every year; and each term of the said court may continue two weeks.

Returns

Sec. 8. *And be it further enacted*, That all process and precepts of whatsoever nature, which may have been issued, or may hereafter issue, returnable to the terms of said court, as heretofore established, shall be returned to the terms of the said court, as established by this act.

(Approved, December 25, 1824.)

AN ACT

To alter or amend an act, passed December the 23d, 1822, entitled, "An act to establish a public road from the house of John Gandy, in Morgan county, to Baltimore or Morgan's springs in Blount county.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Abraham Stout and his associates, be, and they are hereby authorised to erect two turnpike gates at some convenient place on the road established by the above recited act should they conceive it their interest so to do, *provided* they shall receive no more than half the amount of toll agreeable to the rates prescribed in the fourth section of said act.

Sec. 2. *And be it further enacted,* That if any person shall pass round said gate or gates with intent to avoid the payment of the toll, he or she shall for every such offence, forfeit and pay to the said Abraham Stout and his associates the sum of five dollars, to be recovered before any justice of the peace, with legal costs for the same, in lieu of the forfeiture prescribed in the fourth section of the above recited act.

(Approved, December 18, 1824.)

AN ACT

To authorise Mary Ann Kennedy to emancipate a certain slave therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Mary Ann Kennedy be, and she is hereby, authorised to emancipate a certain negro man slave named Joshua, otherwise called Joshua Thermon, on condition that said Mary Ann Kennedy enter into bond with good and sufficient security, to be approved of by the judge of the county court of Franklin county, payable to the Governor of the state and his successors in office, in the penal sum of one thousand dollars, conditioned that said Joshua shall never become a public charge to any county, town, city, or parish within the state of Alabama.

(Approved, December 14, 1824.)

AN ACT

For the emancipation of slaves George and Sarah.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That George and Sarah, slaves of Thomas Wright, be, and they are hereby emancipated and set free from slavery, saving however the rights of creditors, and on the express condition that the said Thomas Wright enter into bond with security in the penal sum of one thousand dollars to be approved by the judge of the county court of Greene, to be filed in the office of the secretary of state, and made payable to the Governor for the time being, and his successors in office, conditioned, that the said Thomas Wright shall maintain said slaves George and Sarah, and that they or either of them shall never become a charge to any county within this state.

[Approved, December 20, 1824.]

For improving the Navigation of the Harbor and Port of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That Lewis Judson, Philip M^cLoskey, Samuel H. Garrow, Thomas L. Hallett, William H. Robertson, Henry Gunnison, William D. Stone, Thomas T. Holt, Curtis Lewis, Daniel M^cGibbon, Joseph W. Moore, Asher F. Stone, and Russell W. Lewis, be, and they are hereby appointed commissioners for improving the navigation of Mobile river, and the passes or channels thereof, extending from the city of Mobile to the ship channel, leading from Dog river bar, in the harbor of Mobile to the junction of Spanish and Tensa rivers at the head of Mobile Bay; with full power and authority, upon the death, resignation, removal or refusal to serve of any of the said commissioners, to appoint another commissioner or commissioners, in the said port, in the room of the commissioner or commissioners so dying, resigning, removing or refusing to serve; and also to appoint a president and subordinate officers, and to ordain, establish and put in force such by-laws, rules and regulations, not contrary to the laws of this state or of the United States, as they may deem expedient and necessary for the due organization and good government of the said commission, and for the effectuation of the object of its institution.

Commis'ers
for improv-
ing the port
of Mobile

Sec. 2. *And be it further enacted,* That the board of commissioners aforesaid, be, and they are hereby authorised and required to employ one or more persons of competent skill, to explore, examine and survey that part of Mobile river, and one or both of the channels thereof, extending from the city of Mobile, to the ship channel leading from Dog river bar, in the harbor of Mobile aforesaid, to the junction of Spanish and Tensa rivers, and to ascertain the obstructions to the navigation thereof, arising from logs, stumps, shoals or any other matter or thing collected or deposited in or near the said channel or channels, and how far it may be practicable to clear out and remove the same, and the probable expense thereof, and the said person or persons so employed, shall make correct draughts or plots of the said survey, and report in writing of their proceedings and of the state of the said river and channels or passes, to the said board of commissioners, who shall thereupon engage some person or persons of competent skill and ability, to remove or cause to be removed, such logs, stumps, shoals, and other obstructions, as may appear necessary to be removed in order to admit the direct and ready access, by the said channel or channels to the said city of Mobile, of vessels of any draft of water that can pass Dog river bar.

To employ
engineer to
examine &
report

Sec. 3. *And be it further enacted,* That the collector of the customs for the port of Mobile, be, and he is hereby authorised and required to collect and receive from the master, owner, agent or consignee of any and every American vessel arriving at or departing from the port or harbor of Mobile, drawing when fully laden more than seven feet water, the sum of ten cents per ton of each and every such vessel at the time of her arrival at, and departure from said port or harbor, and the sum of ten cents per ton, of each and every foreign vessel at the time of her arrival at and departure from said port or harbor; and it shall be the duty of the master or commander of every vessel arriving at and departing from the said port or the said harbor, both on his arrival and on his departure, to declare

Tax on ves-
sels to raise
fund

on oath at the office of the said collector, the draft of water and the tonnage of the vessel so commanded or navigated by him; the form of which oath shall be as follows: I, A. B. master or commander of the _____ or vessel called the _____ of _____, do solemnly swear Oath of that the draft of water of said vessel is _____ feet, and that her tonnage when fully laden, is _____ tons; so help me God; and if the master or commander of any vessel so arriving at or departing from the said port or harbor, shall refuse or neglect to comply with the provisions of this act, he shall incur a penalty of one hundred dollars, His penalty to be recovered with costs of suit by said collector, in any court having competent jurisdiction thereof, which said penalty when recovered, shall be applied to the uses and purposes hereinafter provided for.

Sec. 4. *And be it further enacted*, That the board of commissioners aforesaid, be, and they are hereby authorised and empowered to raise by lottery, in one or more classes, as to them may seem necessary and convenient, and also by subscriptions or donations, Mode of raising fund such sum or sums of money not exceeding in the aggregate the sum of twenty-five thousand dollars; which sum together with such sum or sums as may arise from the tax or impost on tonnage laid in the preceding section, and from the penalties which may be recovered for a violation of the provisions contained in this act, be, and the same are hereby appropriated exclusively to the performance of the above mentioned work, and to the payment of the expenses incidental thereto; and for that purpose the same is hereby invested in the said board of commissioners of navigation, and their successors in office, to be by them applied as herein directed; and the said collector of the customs for the said port of Mobile, is hereby authorised and required to pay the proceeds arising from the aforesaid tax or impost, and from forfeitures accruing under this act, to the said board of commissioners or their order, deducting and retaining for his the said collectors services and expenses in collecting, receiving and paying over the same, three per centum on the amount so paid over by him.

Sec. 5. *And be it further enacted*, That as soon as the channel or channels of that part of Mobile river aforesaid, shall be fully cleared, and the logs, stumps, shoals and other obstructions removed therefrom, as far as the same may be practicable in the opinion of the said commissioners, they shall give notice thereof to the collector of the customs aforesaid; and the tax or impost so laid in the third section of this act, shall thenceforward cease and determine: *Provided always*, that whenever the said channel or channels of that part of the river Mobile aforesaid, shall again become obstructed, it shall be the duty of the said commissioners of navigation on being duly informed of the fact, to give three months public notice thereof, at the expiration of which time, the said tax or impost on tonnage shall be revived and be collected as before, and be applied to the removal of such obstructions until a sufficient sum shall be obtained to accomplish the same, when it shall again cease and determine on notice thereof being given to the collector of the customs aforesaid; and the said board of commissioners are hereby authorised to revive said tax or impost from time to time, and for such periods as they may deem necessary, by giving notice of such revival as aforesaid, in order that the said channel or channels, and the said river within the limits aforesaid, may always be kept clear from obstructions.

Tax to be suspended in certain cases

Sec. 6. *And be it further enacted*, That the said board of commissioners are hereby required to cause correct accounts of their receipts and expenditures under this act to be kept, and report there-

of in writing with the progress made in effecting the objects contemplated, to be made annually, to the county court of Mobile county, and to the General Assembly of this state, which report and accounts shall be published for the information and satisfaction of the public.

Sec. 7. *And be it further enacted*, That this act shall take effect as soon as the consent of the Congress of the United States is obtained thereto; and his excellency the Governor is hereby authorised and required to take measures to obtain the same.

(Approved, December 24, 1824.)

AN ACT

Giving a lien on Vessels in certain cases.

Vessels liable for debts

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That all ships, vessels and steam boats, and other registered, enrolled or licensed craft, built, repaired, fitted or furnished within this state, be, and they are hereby declared to be liable, and chargeable for all debts contracted by the owners, masters or consignees thereof, for or by reason of any work done, or materials or supplies found, provided or furnished by any merchant, trader, ship-builder, mechanic or workman for, upon or concerning the building, repairing, fitting, furnishing, supplying or equipping such ship, vessel, steam boat or other craft, in preference to any other debts due and owing from the owners thereof.

Libels may be filed

Sec. 2. *And be it further enacted*, That it shall be lawful for all and every of the said merchants, traders, ship-builders, mechanics and workman to file process in the nature of a libel, in admiralty proceedings in the circuit and county courts in this state, against such ship, vessel, steam boat or other craft, her tackle, apparel and furniture, whereupon process shall issue, and such proceedings shall be had towards the recovery of such debts as are usually had in the courts of admiralty for the recovery of mariner's wages, and other debts actually contracted upon the high seas.

All actions may be consolidated

Sec. 3. *And be it further enacted*, That all or any of the said merchants, traders, ship-builders, mechanics or workmen to whom such ship, vessel, steam boat or other craft may be indebted, may join in one suit, for the recovery of all their debts; and if more than one such be brought, the court may consolidate the same into one, and give one definitive judgment and decree, comprehending all such debts as shall be demanded, by all or any of the merchants, traders, ship-builders, mechanics or workmen, as aforesaid, and duly supported either by the process in nature of a libel, as aforesaid, or by petition to the court, while one or more of such suits shall be pending.

Owner may release

Sec. 4. *And be it further enacted*, That if on the issuing process, or filing such petition as aforesaid, the master or owner of such ship, vessel, steam boat, or other craft or his or their agents or attorneys, shall enter into stipulation or bond with sufficient securities to answer all the demands aforesaid, which shall be filed against such ship, vessel, steam boat, or other craft shall be released and discharged from such lien.

Limitation clause

Sec. 5. *And be it further enacted*, That no ship, vessel, steam-boat, or other craft shall continue to be liable for such debts, to the merchants, traders, ship-builders, mechanics and workmen as aforesaid, longer than the time which shall intervene between the contracting of such debts, and the time of her proceedings on her voyage, next after such debts may be contracted.

Sec. 6. *And be it further enacted,* That all issues, at the request of either party, shall be tried by a jury; and all such issues shall be made up by the parties under the direction of the court, and in vacation the clerks of the aforesaid courts, shall have and exercise the same powers as clerks of the district and circuit court of the United States are vested with, by the acts of Congress in suits and libels, for the recovery of mariner's wages, and other debts actually contracted on the high seas, and shall proceed in the same manner. And the said clerks shall take the bonds or stipulations as aforesaid, which said bonds or stipulations shall not be void, for want of form, but shall be proceeded on, and recovered, according to the plain intent and meaning thereof: *Provided*, that nothing in this act contained shall be construed to extend to any keel boat or barge engaged in the navigation of the Mobile, Alabama, or Tombeckbe rivers, or their tributaries.

Issue may
be tried by
jury

[Approved, December 25, 1824.]

AN ACT

To repeal part of an act, entitled an act to authorise Rebecca Fletcher to emancipate a certain slave therein named, passed Dec. 29, 1823.

Whereas it has been represented to this General Assembly by the petition of many respectable citizens of Lawrence county, that John Spaniard, for whose emancipation an act was passed the twenty-ninth of December, eighteen hundred and twenty-three, with certain provisions and restrictions, is a good and industrious citizen, contributing by his labor not only to his own support, but to the maintainance of his former mistress, who is aged and infirm; and moreover, that the said John Spaniard has a wife and two children in a state of bondage: and whereas it is the desire of said petitioners, that the provisos of said act should be repealed,

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That so much of an act, entitled an act to authorise Rebecca Fletcher to emancipate a certain slave therein named, passed December twenty-ninth, eighteen hundred and twenty-three, as provides that John Spaniard shall remove out of this state within twelve months after he is manumitted, and shall not return to reside in the same, under the penalty of being sold as a slave by order of any court in this state, to whom information may be given, be, and the same is hereby repealed.

(Approved, December 14, 1824.)

AN ACT

To emancipate the mulatto girl Margaret, a slave of James Johnston of Mobile county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the mulatto girl named Margaret, slave of James Johnston of Mobile county, be, and she is hereby emancipated and freed from slavery; saving however the rights of creditors, and upon the express condition, that the said James Johnston enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor for the time being and his successors in office, to be filed in the office of the Secretary of State; *Conditioned*, that the said mulatto girl Margaret, shall not become a public charge; and that he the said James Johnston, will educate and maintain the said mulatto girl Margaret, until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

[Approved, December 25, 1824.]

AN ACT

To emancipate certain persons therein named.

Preamble.

Whereas it is represented to the General Assembly by the memorial of a large number of respectable inhabitants of the city of Mobile, that sundry persons of colour, descendants of the ancient creole population of that place, whose owners have petitioned the Legislature that they be emancipated and freed from slavery, are honest, industrious and well disposed people; and that their being emancipated would not tend to the injury of society, but would essentially contribute to the welfare of the individuals concerned, and be advantageous to the community at large: And whereas it also appears to the General Assembly, that this description of persons are measurably protected by the third article of the treaty, between the United States and the French Republic, commonly called the Louisiana treaty;

Celine.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the mulatto girl named Celine, aged about two years, daughter of a black woman, named Amelia-Ann, and the slave of John Frenier, of Mobile, be and she is hereby emancipated and freed from slavery; saving however the rights of creditors, and on the express condition that the said John Frenier enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor and his successors in office, to be filed in the office of the Secretary of State: *Conditioned,* that the said girl Celine, shall not become a public charge; and that the said John Frenier shall educate and maintain the said girl, until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

Carmelete and Marian.

Sec. 2. And be it further enacted, That Carmelete a black woman, and her infant child, named Marian, aged about eighteen months, slaves of John Frenier of Mobile, be, and they are hereby emancipated and freed from slavery; saving however, the rights of creditors, and on the express condition that the said John Frenier enter into bond with security, in the penal sum of two thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor and his successors in office, to be filed in the office of the Secretary of State: *Conditioned,* that the said Carmelete, and Marian, or either of them, shall not become a public charge; and that the said John Frenier, shall educate and maintain the said girl Marian, until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

Venus and two children.

Sec. 3. And be it further enacted, That Venus a black woman, and her two children, viz. Francis a mulatto boy, aged about six years, and Margurete a mulatto girl, aged about ten months, slaves of Frank Mitchell of Mobile, be, and they are hereby emancipated and freed from slavery;



saving however, the rights of creditors, and on the express condition that the said Frank Mitchell enter into bond with security, in the penal sum of three thousand dollars, to be approved of by the judge of the county court of Mobile county, made payable to the Governor and his successors in office, to be filed in the office of the Secretary of State: *Conditioned*, that the said Venus, Francis and Margurete, or either of them shall not become a public charge; and that the said Frank Mitchell shall educate and maintain the said boy Francis, until he arrives at the age of twenty-one years, and the said girl Margurete until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

Sec. 4. *And be it further enacted*, That the mulatto girl named Mileysertte alias Millescent, aged about seven years, daughter of a black woman named Franchonette, and the slave of Ulysses J. Barnard, of Mobile, be, and she is hereby emancipated and freed from slavery; saving however, Millescent. the rights of creditors; and on the express condition, that the said Ulysses J. Barnard enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor and his successors in office, to be filed in the office of the Secretary of State: *Conditioned*, that the said Mileysertte alias Millescent, shall not become a public charge, and that the said Ulysses J. Barnard shall educate and maintain the said Mileysertte alias Millescent, until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

Sec. 5. *And be it further enacted*, That the coloured woman named Clarissa, aged about forty-six years, and the coloured girl named Patione, and the infant female child named Ciriiah, slaves of Fermin Frenier of Mobile, be, and they are hereby emancipated and freed from slavery; saving however the rights of creditors, and on the express condition, that the said Fermin Frenier enter into bond with security, in the penal sum of three thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor and his successors in office, to be filed in the office of the Secretary of State; *Conditioned*, That the said Clarissa Patione, and Ciriiah or either of them, shall not become a public charge; and that the said Fermin Frenier, shall educate and maintain the said Patione and Ciriiah, until they severally arrive at the age of eighteen years, or until they severally marry, whichever may first happen. Clarissa,
Patione,
Ciriiah.

Sec. 6. *And be it further enacted*, That the coloured girl Francoise Leones, daughter of a black woman named Francoise, and the slave of Joseph Journin of Mobile, be, and she is hereby emancipated and freed from slavery; saving however the rights of creditors, and on the express condition, that the said Joseph Journin enter into bond with security, Leones.

curity, in the penal sum of one thousand dollars, to be approved of by the judge of the county court of Mobile county, made payable to the Governor for the time being and his successors in office, to be filed in the office of the Secretary of State; *Conditioned*, that the said Francoise Leones, shall not become a public charge; and that the said Joseph Journin, shall educate and maintain the said girl Francoise Leones, until she arrives at the age of eighteen years, or until she marry, whichever may first happen.

Sec. 7. *And be it further enacted*, That the black woman named Ernest, the slave of the heirs of Augustine Colin, late of Mobile, deceased, be, and he is hereby emancipated and freed from slavery; saving however the rights of creditors, and on the express condition that the said heirs enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor for the time being and his successors in office, to be filed in the office of the Secretary of State; *Conditioned*, That the said man Ernest, shall never become a public charge.

(Approved, December 2, 1824.)

AN ACT

To emancipate Gamaliel, a slave.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Gamaliel, a negro boy slave, the property of William M'Broom, of Madison county, be and he is hereby emancipated and set free from slavery: *Provided*, that said William M'Broom, or Peter Fagan the father of said boy Gamaliel, shall enter into bond, with security, to be approved of by the judge of the county court of Madison county, payable to the Governor of the state of Alabama and his successors in office, in the penal sum of one thousand dollars, conditioned that said boy Gamaliel shall never become a charge to any county or town within this state: *and provided also*, that the right of creditors be saved.

(Approved, December, 24, 1824.)

AN ACT

To authorise the emancipation of a certain slave therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That Mary Grayson, Fuller Grayson, Benjamin Grayson, Ambrose Grayson, Elizabeth Grayson, Abraham Grayson and Sarah Grayson, of the county of Madison, be, and they are hereby authorised to manumit a certain man slave named James Poston, on condition that they first enter into bond and security, payable to the Governor and his successors in office, to be approved by the judge of the county court, conditioned that the said James Poston shall never become a public charge to any county, city or town within this state; and the rights of creditors shall not be injured thereby.

[Approved, December 4, 1824.]

AN ACT

Concerning public roads in the county of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That the new road heretofore laid out by the commissioners on the part of this state, leading from Warren Stone's, in the county of Montgomery, to the town of Montgomery, is hereby declared to be a public road.

Sec. 2. *And be it further enacted,* That the judge of the county court and commissioners of roads and revenue are hereby required to appoint apportioners and overseers for the purpose of opening and keeping in repair the above stated new road.

Sec. 3. *And be it further enacted,* That the persons who are now appointed to work on the old road leading from Warren Stones to the town of Montgomery, shall not be compelled to work on said new road, either in cutting out the same or keeping it in repair, and the said old road is hereby continued as the state road.

(Approved, December 20, 1824.)

AN ACT

To provide for the raising of a fund for the support of an Academy and an Hospital in the county of Baldwin.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That upon the application of any responsible individual to the county court of the county of Baldwin shewing good cause for establishing a ferry across the Mobile bay, in any direction, or from the east side of the Tensaw river to the west side of the Mobile river, the said court is hereby authorised and required to establish the same: *Provided,* that no landing shall be established on the land of any private individual, without his consent, or on the lands of the United States, without their consent first being obtained.

Ferries may
be estab-
lished

Sec. 2. *And be it further enacted,* That it shall be the duty of the said court to cause public notice to be given that the ferry so established will be offered for rent to the highest bidder, by the sheriff of the county, on the first Monday of the next succeeding month, at the court house in said county.

And rented

Sec. 3. *And be it further enacted,* That it shall be the duty of the said sheriff to return a memorandum shewing the amount of the highest bid, and also the name of the highest bidder to the clerk of the said county court, who shall issue a license to him, for one, two or three years, as he shall elect, upon his giving bond with good and sufficient security, payable to the county treasurer and his successors in office, conditioned, that the rent be punctually paid annually as it becomes due.

License to
issue.

Sec. 4. *And be it further enacted,* That it shall be the duty of the said court from time to time to order direct and determine upon the description of boats or vessels which shall be used upon each ferry; and upon fair rates of ferriage on all persons, horses, cattle, carriages, &c. which may pass a-

ny ferry or ferries which may be hereafter established under this act: *Provided* that no part of this act shall be so construed as to authorise the said court to require any other description of boats or vessels to be used, or to reduce the established rates of ferriage—to take effect during the continuance of any license, issued under this act, which license may be in force at the time of making such requisition or reduction—without the consent of the person to whom such license shall have been issued, or of his heirs, executors, administrators or assigns.

Penalty for
ferrying
without li-
cense.

Sec. 5. *And be it further enacted*, That if any person or persons, other than the person or agent of the person holding a license, shall at any time transport or carry over for pay or hire, from any place within three miles of any ferry which may be established under this act, any person or persons, horses or carriages, such person or persons shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered before any court having jurisdiction, by any person who shall sue for the same; which forfeiture, when collected, shall be paid into the county treasury.

Sec. 6. *And be it further enacted*, That the said county court shall be authorised to fix upon the times (making due allowance for head winds, &c.) at which the craft at each ferry shall be in readiness for the conveyance of passengers &c. and if it shall be made to appear that any person holding a ferry license has at any time, wilfully neglected or refused to comply with any legal requisition of the said court in any particular, the said court shall have full power and authority to declare the said license forfeited.

Sec. 7. *And be it further enacted*, That it shall be the duty of the said court, at a suitable time before the expiration of every license issued under this act; and at the time that any license may be declared to be forfeited, to cause the ferry or ferries to be again offered for rent in the manner prescribed in the second section of this act, and so on continually.

Sec. 8. *And be it further enacted*, That the money arising from the rentals of ferries to be established under this act, shall be set apart as a perpetual fund for the support of an Academy and an Hospital in the county of Baldwin.

When fund amounts to \$500 to be under care of trustees.

Sec. 9. *And be it further enacted*, That as soon as the fund arising from the source contemplated in this act, shall amount to the sum of five hundred dollars, it shall be the duty of the said county court to cause an election to be held annually at the time of the general annual election, or at such other time in each year as it shall deem expedient, for the purpose of electing three trustees, who shall be freeholders and heads of families, and who shall continue in office for the term of three years. They shall be styled *Trustees of the Academy and Hospital fund*, and they or a majority of them shall control and apply the said fund and its proceeds, at their discretion.

Sec. 10. *And be it further enacted*, That no part of this

act shall be so construed as to prevent any individual now running a steam ferry-boat between Blakely and Mobile, from continuing the same until the expiration of the time prescribed by any existing law: nor in any manner to extend to, or interfere with, the rights, privileges and immunities secured to such person or his assigns, in virtue of such law.

Not to infringe existing laws.

[Approved, December 23, 1824.]

AN ACT

To authorise the citizens of Florence to raise a sum of money to procure water for said town.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,* That it shall be lawful for James Jackson, John Coffee, James Kirkenan, Henry Anderson, John Simpson, James Hanna, George Boggs, John Key, John Craig, David Hubbard, Patrick Andrews or any number not less than five of them who may take upon themselves to carry this act into effect, to raise by lottery in one or more classes as to them may seem most expedient, such sum or sums of money as they may think necessary for the purposes of procuring water for the use of said town, and for the purpose of procuring a fire engine and other necessary means for carrying said objects into effect.

Lottery authorised.

Sec. 2. *Be it enacted,* That said commissioners or such of them as may undertake, agreeably to the first section of this act, shall, before they enter upon the duties therein prescribed to enter into bond, with security, before the judge of the county court of said county, to the Governor of the state of Alabama and his successors in office, in such sum as said judge may direct, conditioned for the faithful performance of all and singular the duties required of them by this act; which bond shall be filed in the office of the county court for said county, and may be sued on and recovery had in the name of the Governor for the time being and his successors in office, for the use of any person or persons who may be injured by a breach of any of the provisions of this act.

Bond required.

Sec. 3. *Be it enacted,* That it shall be the duty of the commissioners, within three months after the completion of the drawing of said lottery, to pay to the fortunatedrawers in said lottery or to their heirs or their legal representatives, such prize or prizes as they may respectively draw in such lottery, agreeably to such scheme as they may have determined on and published.

To pay prizes

Sec. 4. *Be it enacted,* That said lottery shall be drawn in the town of Florence, Lauderdale county, Alabama; and said commissioners shall give due notice of the time of drawing the same, which shall be conducted in such manner and under such regulations as may be adopted by said commissioners: *Provided,* That all persons engaged in the drawing and management of said lottery before they engage therein shall take and subscribe an oath before some justice

Time of drawing

of the peace for said county, or judge of said county court; that they will in all things honestly and justly demesne themselves in the discharge of their respective undertakings, which oath shall be filled in the office of said county court.

Comm'rs to
contract &
take bond:

Sec. 5. *Be it enacted*, That so soon as practicable after the drawing of said lottery shall have been completed, it shall be the duty of said commissioners to contract for the execution or carrying the objects of this act into effect, in which it shall be their duty to take a bond from said undertaker, with sufficient security, to the Governor of the state of Alabama and his successors, for the use of the town of Florence, in such sum as they may deem sufficient, conditioned for the faithful and due execution of said contract, and that said commissioners shall be authorised to make such disbursements and payments to said undertaker as may best promote the prompt and faithful execution thereof.

— to pur-
chase lot,

Sec. 6. *Be it enacted*, That it shall be the duty of said commissioners, if practicable, to procure by purchase, donation or otherwise, any lot or piece of land necessary to carry this act into effect, and to have the same secured to and for the use and benefit of said town forever.

— to make
settlement

Sec. 7. *Be it enacted*, That as soon as the objects of this act shall have been accomplished and completed it shall be the duty of said commissioners to lay before the judge of the county court a correct statement of their accounts and proceedings and to account with said judge for any fines which may remain in their hands for the use of said town and improvement thereof.

(Approved, December 25, 1824.)

AN ACT

To repeal in part and amend an act entitled an act to authorise David Peobles to continue a toll-bridge over the Escambia creek in the county of Conecuh.

Rates of
toll.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for David Peobles to receive any toll from persons crossing the bridge erected over the Escambia creek in the county of Conecuh, other than according to the rates of tollage hereinafter mentioned, to wit: For every four wheel carriage, twenty-five cents; for every two wheel carriage, twelve and a half cents; for every man and horse, six and a fourth cents; for every led, loose or pack horse, three cents; for every head of cattle, two cents; for every head of hogs, sheep or goats, one cent. And if the said David Peobles shall at any time receive of any person, higher toll than the above mentioned, for every offence of that kind, he shall forfeit and pay to the person or persons aggrieved thereby, the sum of five dollars, to be recovered in any court having jurisdiction thereof.

Sec. 2. *And be it further enacted*, That all laws contrary to the provisions of this act, be, and the same are hereby

repealed. *Provided*, the consent of Mr. Peobles to this act be filed in the clerk's office of the county court, in three months from the passage thereof.

(Approved, December 4, 1824.)

AN ACT to establish a certain road therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,*

That a public road beginning at a point on Payne's road, about seven miles south of Moulton in Lawrence county, and running thence in a direction towards Tuscaloosa, the nearest and best way for a good road, until it crosses Scipsie creek, and thence on the nearest and best way until it crosses Loss creek, and thence on the nearest practicable route, for a good road, to Tuscaloosa, be and the same is hereby established. From Moulton to Tuscaloosa.

Sec. 2. *And be it further enacted,* That Wyett Cheatham and his associates, be and they are hereby authorised and empowered to lay out and open said road, in the direction and to the extent mentioned in the first section of this act, which road shall be eighteen feet wide, twelve feet of which in the middle of said road, shall be cleared of stumps and grubs, either taken up by the roots or levelled to the ground, the sloping grounds and banks of water courses, shall be so worked on as to ensure the safe and easy passage of horsemen and carriages of every description, all marshes, swamps and low grounds, where necessary, shall be cause-wayed, with good and durable timbers, which cause-ways shall be at least twelve feet wide, and well put together; Scipsie and Loss creeks, and others if necessary to ensure safe travelling, shall be bridged with good and durable timber, well put together; said bridges shall be at least twelve feet wide, and those over Scipsie and Loss creeks shall have strong railings on each side. The manner the road is to be made.

Sec. 3. *And be it further enacted,* That when said Wyett Cheatham and his associates shall have completed said road and reported the same to the county court of Lawrence county it shall be the duty of said court to appoint three suitable persons to examine said road and report to said court whether Wyett Cheatham and his associates have opened and completed the same as prescribed by the second section of this act, which persons shall proceed to examine said road and report the true situation thereof to said court, and said persons shall be allowed by the said county court such compensation as is reasonable to be paid by the said Wyett Cheatham and his associates. When completed commissioners to report

Sec. 4. *And be it further enacted,* That should the persons appointed pursuant to the provisions of the third section of this act report to the county court of Lawrence county, that the road which they were appointed to examine is opened and in the state of repair contemplated by the second section of this act, then and in that case the said Wyett Cheatham and his associates are hereby authorised and empowered to erect a turnpike gate at some convenient place on said

Rates of toll

road, and to demand and receive of each and every person, who shall or may travel on said road, the following rates of toll, to wit: For every four wheel carriage seventy-five cents; for every two wheel carriage twenty-five cents; for every man and horse twelve and half cents; for every loose horse six and a fourth cents; for every head of cattle three cents; for every head of hogs or sheep two cents; and if any person shall pass around said gate with the intent to avoid the payment of toll, he or she shall forfeit and pay to the said Wyett Cheatham and his associates the amount which his or her toll would have been, to be recovered before any justice of the peace, with costs of suit.

To keep it in repair.

Sec. 5. *And be it further enacted*, That if at any time, after the erection of said turnpike gate, oath shall be made by two credible witnesses before the county court, of Lawrence county, that said road is out of repair, then and in that case, it shall be the duty of said court to appoint three commissioners who shall examine said road, and should they report the same out of repair to said county court, then and in that case, the said court shall direct a mandate to issue to said Wyett Cheatham and his associates commanding them to open said turnpike gate, and keep the same open, for the free passage of travellers until said road shall again be repaired as contemplated by this act, and should said Wyett Cheatham and his associates receive toll from any traveller passing said road, after the service of said mandate, and before said road is sufficiently repaired, he or they shall forfeit and pay five dollars for every such offence, to be recovered before any justice of the peace, by any person who shall sue for the same.

Limitation.

Sec. 6. *And be it further enacted*, That said Wyett Cheatham and his associates and their heirs shall have all the benefit and profits arising from the toll on said road for twelve years, from and after the erection of the turnpike gate as contemplated by this act.

Exem'tions from toll.

Sec. 7. *And be it further enacted*, That it shall not be lawful for Wyett Cheatham and his associates to charge the citizens of Lawrence, Tuscaloosa and Walker counties toll when travelling the road established by this act on neighborhood business, or to and from court.

Prohibition

Sec. 8. *And be it further enacted*, That it shall not be lawful for Wyett Cheatham and his associates to cut out the road established by this act, so that the same will intersect either Crabb's or Byler's turnpike road, unless by and with the consent of the party or parties entitled to the benefit of the toll arising from said roads.

(Approved, December 24, 1824.)

RESOLUTION

Of thanks to JAMES MONROE, President of the United States.

Unanimously resolved, That the thanks of the General Assembly of the state of Alabama, are due to James Monroe, for the ability, fidelity and dignity with which he has

discharged the duties of President of the United States : And that his excellency the Governor be, and he is hereby requested to communicate this resolution to Mr. Monroe, together with the sincere wish of the General Assembly that the evening of a life so honorably devoted to the public service, may be as tranquil and happy as its morn and meridian have been illustrious and useful.

(Approved, December 25, 1824.)

JOINT RESOLUTION

In relation to Major General LA FAYETTE.

From scenes where the desolating hand of war has spread havoc and ruin, where the sword of tyranny has supplanted the milder emblems of peace, and where the prostrate subjects of regal power humbly acknowledged the right of that despotism under which they groan in the elder continents, the eye delights to turn to the more cheering prospects which every where present themselves in the bosom of the new world. It is here that the eye of philosophy is pleased to see the majestic march of science, learning pour out her richest treasures, and liberty diffuse her noblest blessings on regenerated man.

In contemplating the inestimable advantages which every where surround, and serve to cherish and support the American republic, the mind is necessarily led to recur to the causes which have produced such brilliant and happy effects. These are discovered in the form of government which we have adopted, and, in the administration of that government which so effectually guarantees to every citizen the enjoyment of equal liberty, the protection of life and property, and the pursuit of happiness. The power and right of establishing this government, which is at once the noblest bulwark of freedom, and the grandest invention of the human mind, were gained at an immense expense of blood and treasure, together with the toils and dangers of a seven years war. To the venerable sages and warriors of the revolution, whose joint efforts erected this beautiful fabric of liberty, we look with reverence and admiration : we are led insensibly to contemplate their virtues and achievements under the influence of fervent enthusiasm, which however it must be acknowledged alone can do justice to the estimation in which they are held. For the most part the minds that conceived this noble work of independence have been removed to more blissful regions, and the hands that executed it now lie cold and nerveless in the silent grave ! such has been the operation of time to which all human virtues and excellence must yield, although the tears of poignant sorrow be shed and the gloom of melancholy be cast over all who survive, still we are permitted to rejoice that one eminently illustrious personage remains, to whom, next to the great father of our country, under providence, the American people are indebted for all the blessings they enjoy : This is the venerable General LA FAYETTE, whose worth and chival-

ric deeds, history has already recorded in the brightest pages of her time-lasting annals, the muse of poetry has sung to the ear of venerable age and lisping infancy, and gratitude engraved on the heart of every virtuous patriot. This veteran benefactor of the republic, after an absence of near half a century, has returned, from the deep rooted convulsions which afflict and depopulate his native country, to witness, in the decline of a well spent life, the consummation of his glorious labours in the cause of freedom in the country of his adoption. This return has been hailed by ten millions of freemen, whom he so greatly aided in their redemption from worse than Egyptian bondage. All ages, sexes, and conditions have crowded to witness his reception and bid him welcome to the homes and bosoms of the descendants of his compatriots in glory and in arms.

Though remote from the joyous scenes of festivity and the loud acclaims of welcome which greet him at every step, we are not unmindful of his virtues, nor ungrateful for his services—that in common with our fellow citizens of the eastern and southern states, we feel proud to honor the man that was next to him who was “first in war, first in peace and first in hearts of his countrymen.” From these considerations and from the exalted pre-eminence which he holds in the great scale of philanthropy,

Be it resolved unanimously, by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That justly appreciating the long tried services and unblemished virtues of *Major General LA FAYETTE*, in the cause of freedom, in both hemispheres, we hail his return to the early scenes of his valor and his glory, as a distinguished epoch in the annals of our country; the moral influence of which will have a most salutary effect, not only on this, but in every country where liberty has a votary or a home.

And be it further resolved, That his excellency the Governor be requested to invite, in such manner as he shall deem most respectful, *Major General LA FAYETTE* to honor the state of Alabama with a visit, and in the event of his acceptance of such invitation, he be received in such manner as shall best comport with the important services he has rendered the American people.

And be it further resolved, That his excellency the Governor be, and he is hereby authorised to draw on the treasury for any sum or sums necessary to carry the foregoing resolutions into effect.

(Approved, December 24, 1824.)

RESOLUTION

In relation to unsettled Land Claims below 31st degree, North Latitude, and Pre-emption rights.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representatives in Congress be requested to convey to that body the anxiety which is felt by the

people of this state, that effectual measures be taken by the government of the United States, for the final adjustment of the unsettled land claims below the thirty-first degree of north latitude; and that our Senators and Representatives be further requested to use their best endeavors to obtain the passage of laws of the following tenor, at the ensuing session of Congress, viz :

1. An act to authorise the holders of French, British and Spanish titles of lands, situate in that part of the former provinces of Louisiana and West Florida, comprehended within the state of Alabama, which have not been recognised as valid by the government of the United States, to institute proceedings in the federal district court for the district of Alabama, to try the validity thereof :

2. An act authorising and requiring the register and receiver of the land district east of Pearl river to receive evidence of claims to lands, situate below the thirty-first degree of north latitude, in said district, derived from either the French, British, or Spanish governments of Louisiana and West Florida, which have not been heretofore filed with and reported on by either of the boards of the United States' commissioners for the adjustment of land claims in said district, and to report the same to Congress, under such instructions as they may receive from the commissioners of the general land-office :

3. An act granting a right of pre-emption to actual settlers of the public lands in the state of Alabama, whose settlements were made prior to the first day of January, one thousand eight hundred and twenty-two.

And be it further resolved, That his excellency the Governor be, and he is hereby, requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

(Approved, December 4, 1824.)

RESOLUTIONS

Explanatory of an act, entitled an act for the relief of the people of the State of Alabama, &c.

Be it resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That it shall be lawful for the tax collectors only of the counties mentioned in the first section of an act, entitled an act for the relief of the people of the state of Alabama, passed thirty-first December, eighteen hundred and twenty-three, to receive the bills or notes payable to bearer of the Planter's and Merchant's bank of Huntsville, in payment of the taxes due to this state from the said counties, *on condition only*, that the president and directors of the said bank will comply with the provisions contained in the above recited act, under the regulations and restrictions of the same.

Be it further resolved, That all acts and parts of acts contrary to the provisions of this resolution, be, and the same are hereby repealed.

[Approved, December 25, 1824.]

RESOLUTION

In relation to certain objects of Internal Improvement within the state of Alabama.

Be it Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the senators and representatives in Congress from this state, be, and they are hereby requested to use their influence to obtain specific appropriations by Congress for the following objects of internal improvement within the state of Alabama, viz :

1. For connecting the waters of the Tennessee and Mobile rivers, by means of a canal, from a navigable point of the Amoie, a branch of the Highwassee river to a navigable point of the Conesauga, a branch of the Coosa river.

2. For improving the navigation of one of the passes leading from the ship channel at the head of Mobile bay directly to the city of Mobile, so as to admit the ready access of vessels of any draft of water that can pass dog river bar.

3. For improving the navigation of the Tombeckbe and Tuscaloosa rivers ; also Tennessee river from Waterloo to Marathon or head of the muscle shoals ; also, the Cahawba river from its confluence with the Alabama river to the falls thereof in Bibb county. And that our senators and representatives be further requested to endeavor to obtain the passage of a law granting and declaring the consent of Congress to any act which the General Assembly of this state may pass, so far as the same may extend, to authorise the laying and collecting a tonnage duty not exceeding ten cents per ton on American vessels and fifteen cents per ton on foreign vessels, drawing over seven feet water, arriving at and entering the port and harbor of Mobile, for the purpose of providing a fund for improving the navigation of the pass or channel aforesaid.

For improving the navigation of the principal rivers in this state.

And be it further resolved, That his excellency the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolution to each of our senators and representatives in Congress.

[Approved, December 13, 1824.]

RESOLUTION

Providing for the further distribution of the statute laws of the state of Alabama.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That whenever it shall appear to the satisfaction of the judge of the county court of any county in this state, that any of the justices of the peace of his county has not been supplied with the laws of Alabama, as provided for by the fifth section of an act, entitled an act concerning the printing, binding and the disposal of the digest of the statute laws of the state of Alabama, passed January the 1st, 1823, it shall be his duty to issue his order to the agent appointed by the Governor to make sale of said laws in conformity with the

above recited section and act, to furnish such justice or justices with a copy of the same; which order shall be a good and sufficient showing, of the disposition made of said laws, on settlement, with the treasurer of this state, as required in the above recited act.

[Approved, December 20, 1824.]

RESOLUTION

Authorising the Comptroller to issue his warrant in favor of Edward Herndon for services as Assistant Adjutant General.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the comptroller of public accounts, be, and he is hereby authorised and required to issue his warrant to the state treasurer, in favor of Edward Herndon, for the sum of one hundred and fifty-five dollars, in full for his services as assistant adjutant general, to the 6th brigade, in the 3d division of the militia of this state, from 29th day of August, 1823, to the 25th day of December, 1823, according to the laws of this state then in force.

[Approved, December 22, 1824.]

MEMORIAL

To the Congress of the United States respecting the sale of Relinquished Lands.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the General Assembly of the state of Alabama most respectfully represents, that the people of this state entertain a just and grateful sense of the munificence and liberality of the general government, and especially for the passage of laws extending relief when they were in circumstances, in which if relief had been withheld, consequences the most disastrous to their interests would have taken place. Among these not the least beneficial has been the act of Congress of the last session, entitled An act to provide for the extinguishment of the public debt.—Many had not availed themselves of the benefit of former acts who were in hopes that more prosperous times, and a vigorous prosecution of business would have put it in their power to retain a greater quantity of land. These are enabled still to provide against eventual loss and at the same time close their account with the government for the purchase of land. Your memorialists beg leave to represent that should the relinquished land, except such relinquished lands as are now advertised for sale, be kept back from sale for one year, or until the proceeds of a crop be realised, that it will prove highly beneficial to those who may have relinquished, and at the same time promote the interest of the general government. By such delay the people of this state will be better prepared to purchase again, and a more general competition, and a more extensive sale take place. The land market will not be so exclusively occupied by a few capitalists who will purchase land with a view of making a speedy sale, at an ad-

vance price, to the cultivators of the soil. This advance will in general shew the loss which the government will sustain by ordering a sale at a time when the great body of agriculturalists will not be in funds to buy. Relinquishment of land will be induced by various causes; the inability of some to retain as much as they designed at the time of the purchase, the high price which was given for it, and the fear that should a scarcity of money continue, there would be a final loss by its forfeiture. But from whatever cause it may be relinquished, those who relinquish will be anxious to purchase again; and it cannot, as we suppose, be otherwise than to the interest of the United States to give them an opportunity of being in the market when the land is offered for sale. Your memorialists make these suggestions, impressed with the belief that by extending a benefit to the people of this state, in the present instance, the lands of the United States will become more productive. The premises submitted to the wisdom and consideration of your honorable body, and your memorialists in duty bound will ever pray.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That his excellency the Governor cause to be transmitted to our Senators and Representatives in Congress certified copies of the foregoing memorial, to be by them submitted to the Congress of the United States.

(Approved, December 25, 1824.)

RESOLUTION

Authorising the door-keeper of the Senate to take charge of the public Furniture.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That it is hereby made the duty of the door-keeper of the Senate, immediately after the adjournment of the present session of the legislature, to take charge of the state house and furniture thereof, except those rooms occupied by the Secretary, Comptroller, and Treasurer, and cause all the furniture belonging to the statehouse to be safely deposited in the senate chamber, and to lock the door and retain the keys thereof until the next session of the General Assembly.

And be it further resolved, That it shall not be lawful for any use to be made of the furniture deposited as aforesaid, under any pretence whatever previous to the meeting of the next legislature.

[Approved, December 25, 1824.]

RESOLUTION

To ascertain the mode of Voting most acceptable to the People.

Whereas doubts exist among the members of the General Assembly as to the most acceptable mode of voting by the people in all general elections,

Be it therefore resolved by the Senate and House of Representatives of the state of Alabama in General Assembly con-

And be it further resolved, That it is hereby made the duty of the respective sheriffs in the several counties in this state, at the same time and place of giving the notice as now required by law, of the next general election, also to give notice to the qualified electors, that all such as wish a change in the mode of voting, from ballot, to that of *viva voce*, may endorse on the back of their several tickets the words *viva voce*, and it shall be the further duty of the several sheriffs as aforesaid, to make an exact enumeration of all the tickets endorsed as aforesaid, and likewise of all the tickets not endorsed, which had been received in the county of which he is sheriff, and certify and return a proper statement of the same to the secretary of state, on or before the third Monday in November next.

And be it further resolved, That it shall be the duty of the secretary of state to lay before the next General Assembly a consolidated statement of all the returns by him received from the sheriffs as aforesaid.

And be it further resolved, That the several sheriffs shall be entitled to receive for their services herein required of them, such compensation as may be allowed by the next General Assembly.

(Approved, December 25, 1824.)

MEMORIAL

Of the Legislature of the State of Alabama, on the subject of the claims of Col. Samuel Dale.

To the Congress of the United States of America, the memorial of the Legislature of the state of Alabama, sheweth that your memorialists are confident that Col. Samuel Dale has correct demands against the General government to a considerable amount, for the most important and meritorious services rendered during the late Creek Indian, and the late Seminole wars, and also for vast expenses incurred in furnishing supplies for troops in both of the aforesaid wars: Your memorialists further state, that Colonel Dale has repeatedly applied to the General Government for a settlement of his demands and accounts, but as yet, no relief has been offered to this veteran hero and valuable citizen, owing as your memorialists are induced to believe, either to some informality in the application, or to his manner of keeping his accounts, many of which not having such accompanying vouchers as are generally required, although the charges to your memorialists are believed to be correct. Your memorialists feel a deep interest that your honorable body would take into consideration the demands of Colonel Dale, inasmuch as he has worn out and broken down a hardy and robust constitution in the services which he has rendered to the first settlers of this state in the above mentioned Indian wars; and by his individual pecuniary losses, and the advances made on account of the troops, his fortune has become shattered, and he is almost destitute of the pecuniary means necessary to a comfortable subsistence; and will ere long descend to that place where Congressional redress will be unavailing to this hero: Your memorialists beg leave to state, that the gallant and arduous services of Col. Dale, during the Creek Indian war, was one of the principal checks given to the infuriated Indians, and the means of saving helpless women and children from the scalping knife and tomahawk. Your memorialists further state that, at the commencement of the Creek Indian war, the frontier of this state was entirely exposed to the merciless depredations and murders of the then powerful tribe of Creek Indians; the general govern-

ment not having at that time furnished the necessary means of defence. The dreadful and barbarous murders committed at the commencement of this war, added to the disastrous fall of fort Mims, and the wanton cruelties committed there, threw the settlers of this country into such a state of trepidation and alarm, that their plantations and property were abandoned to the enemy; and the affrighted and unprotected settlers fled in every direction for safety. At this perilous period, when it was believed and feared that the cruel foe would carry their dreadful war of extermination from our eastern boundary to the Mississippi river, our fellow citizen Col. Dale, at the head of small parties, waged a gallant partizan war, surpassed probably in no age or country, and will some day form an interesting page in American history. Your memorialists must here state to your honorable body that the feats of bravery performed by Col. Dale, at the head of his starving followers, were, in the opinion of your memorialists, the principal cause of arresting the progress of the Indians, and keeping them in check until the forces of the general government could come to the relief of our affrighted and starving settlers: Your memorialists further state, that during the Creek Indian war, Col. Dale has gone frequently on express with dispatches from the armies in this country to the state of Georgia, through a hostile country of Indians, of nearly three hundred miles, and almost every foot of the journey through the woods, and thereby rendering services to our armies which no body else could be found who would undertake or who could perform. Your memorialists therefore pray that the Congress would take into consideration the claims and demands of Col. Samuel Dale, and would pay him such amount in money as may be deemed right and proper; or that they would in lieu thereof make him, of the lands of this state, such a donation as they should think reasonable and just.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That his excellency the Governor be required to transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress, and that they be directed to lay the same before Congress, and to use their exertions to obtain the object of the foregoing memorial.

(Approved, December 25, 1824.)

DEPARTMENT OF STATE,

CAHAWBA, JANUARY 25, 1825.

It is hereby certified, that the foregoing Acts and Resolutions are correct copies, collated with, and corrected by, the original rolls deposited in this Office.

JAMES I. THORNTON, Secretary.

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